

**EXHIBIT A**  
to Motion for Leave to File Amicus Brief  
(Part 1 of 3)

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION**

JOHN FITISEMANU; PALE TULI;  
ROSAVITA TULI; and SOUTHERN  
UTAH PACIFIC ISLANDER  
COALITION;

Plaintiffs,

v.

UNITED STATES OF AMERICA;  
U.S. DEPARTMENT OF STATE;  
JOHN J. SULLIVAN, in his official  
capacity as Acting Secretary of the U.S.  
Department of State; and  
CARL C. RISCH, in his official  
capacity as Assistant Secretary of State  
for Consular Affairs;

Defendants.

Case No. 1:18-cv-00036-CW

**BRIEF OF THE SAMOAN  
FEDERATION OF AMERICA, INC.  
AS *AMICI CURIAE* IN SUPPORT  
OF PLAINTIFFS**

Honorable Judge Clark Waddoups

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**BRIEF OF AMICUS CURIAE SAMOAN FEDERATION OF AMERICA  
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

**INTEREST OF AMICUS CURIAE**

The Samoan Federation of America, Inc. (“Samoan Federation”) is a 501(c)(3) non-profit organization located in Carson, California that serves to advance the cultural, economic, and social well-being of the Samoan community in the greater Los Angeles area and across the United States. Founded in 1969, it is one of the oldest Samoan organizations in the continental United States. For the last 33 years, the Samoan Federation has hosted an annual “Flag Day” celebration that serves as the largest annual gathering of Samoans in the continental United States, attracting approximately 30,000 attendees each year from across the country, including many attendees from Utah. The Flag Day event commemorates American Samoa’s decision to become part of the United States in 1900 and celebrates the many contributions American Samoans make to their communities across the nation.

The Samoan Federation was a plaintiff in *Tuaua v. United States*, 788 F.3d 300 (D.C. Cir. 2015), where it argued that people born in American Samoa have an individual constitutional right to citizenship that does not require legislative approval by Congress or any other elected officials. The Samoan Federation

believes that recognition of citizenship is critical to the political and economic empowerment of American Samoan communities throughout the United States. Discriminatory federal laws that require American Samoans to naturalize to be recognized as U.S. citizens create significant barriers to the political participation of American Samoans living in Utah and other states, in effect serving as a poll tax, literacy test, voter identification requirement, and felon disenfranchisement provision all rolled into one. Federal, state, and local laws that restrict certain employment opportunities to U.S. citizens also make it harder for many American Samoans to provide for themselves and their families, and diminish their standing in their communities.

### **SUMMARY OF ARGUMENT**

For 118 years, American Samoans have saluted the American flag, lived on American soil, and been governed by American laws. In 1900, the people of what would become American Samoa voluntarily ceded sovereignty of their islands to the United States, becoming a United States territory. As the United States flag rose over Pago Pago harbor on April 17, 1900, those who signed the Deeds of Cession believed that the transfer of sovereignty would mean they would be recognized as U.S. citizens. Two decades later, the federal government informed

American Samoans they were not recognized as U.S. citizens. Instead, they were later labeled with a new, unprecedented, and inferior legal status of “non-citizen national.” The historical record is clear that this second-class status was motivated by racial animus towards the native-born inhabitants of American Samoa and other overseas territories.

The reaction in American Samoa was swift, and a new political movement known as the Mau coalesced to demand recognition of citizenship and greater local self-governance. In the following decades, American Samoan leaders were unrelenting in their demand to be recognized equally as U.S. citizens.

Despite inaction from the federal government to remedy their second-class status, American Samoans have remained loyal and patriotic Americans who have never wavered in their desire to remain part of the United States. In 2018, federal courts should recognize what American Samoa’s leaders understood in 1900: so long as the U.S. flag flies over American Samoa, every person born in American Samoa has a right to be recognized as a U.S. citizen.

## **ARGUMENT**

### **I. AMERICAN SAMOANS UNDERSTOOD, CORRECTLY, THAT THE TRANSFER OF SOVEREIGNTY TO THE UNITED STATES CREATED A RIGHT TO U.S. CITIZENSHIP.**

American Samoa is a U.S. territory that consists of Tutuila, the Manu'a Islands, Swains Island, and a number of smaller islands and atolls located in the South Pacific about 2,500 miles southwest of Hawaii. American Samoans ceded sovereignty to the United States by treaty in 1900 and in return expected, among other things, to be recognized as U.S. citizens consistent with the prevailing laws of the time. As American Samoans, they believed—with good reason—that by becoming subject to the sovereignty of the United States government, they had a right to be recognized as U.S. citizens.

#### **A. The United States Had No Claim to Sovereignty Before 1900**

Prior to 1900 the United States had frequent interactions with the islands that became American Samoa, but the people of these islands retained their own sovereignty separate from the United States. In 1838, the first United States expedition set sail for the Samoan islands. *See* Staff of S. Comm. on Interior & Insular Affairs, 86th Cong., Information on the Government, Economics, Public Health, and Education of American (Eastern) Samoa 4 (Comm. Print 1960)

[Exhibit 1 at 9<sup>1</sup>]. In 1872, U.S. Navy Commander Richard W. Meade, Jr., reached an agreement with the leaders of Tutuila to establish a coaling station for U.S. steamships at Pago Pago harbor, although the agreement was never properly ratified. Ex. 1 at 9. In 1878, the United States ratified a new treaty “of friendship and commerce,” which permitted the U.S. Navy to establish a coaling station at Pago Pago harbor in Tutuila. 20 Stat. 704. In 1889, the United States ratified a treaty with Great Britain and Germany to preserve the independence of the Samoan islands, which included the assent of the hereditary chiefs who governed the Samoan islands. 26 Stat. 1497. In 1899, as a result of external pressures for imperial expansion and internal divisions among Samoan chiefs, a second treaty was entered among the United States, Germany, and Great Britain—without any formal Samoan participation. Ex. 1 at 10. In that treaty, ratified by the United States on February 16, 1900, Germany and Great Britain renounced any claims

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<sup>1</sup> Documents not readily available are appended as consecutively numbered exhibits, citations to exhibits are pincited to these numbers, *e.g.*, Ex. 1 at 10, Ex. 22 at 346.



over the eastern Samoan islands, including Tutuila, in favor of the United States.  
31 Stat. 1878.

**B. In 1900, Samoans Believed U.S. Citizenship Followed Their  
Transfer of Sovereignty**

On April 17, 1900, the Samoan chiefs of the islands of Tutuila and Aunu'u signed a treaty granting the United States government "full powers and authority" to govern the islands. Cession of Tutuila and Aunu'u at 1–2 (April 17, 1900) (codified at 48 U.S.C. § 1661 (2018)) [Exhibit 2 at 15–16]. Acting as "the hereditary representatives of the people" of Tutuila and Aunu'u, the chiefs "CEDED, TRANSFERRED, AND YIELDED UP . . . all sovereign rights . . . unto the Government of the United States of America . . . ." Ex. 2 at 16 (original emphasis). The Cession created a duty of loyalty from the people of these islands to the United States, pledging that they would "obey and owe allegiance to the

Government of the United States of America.” Ex. 2 at 17. Following the Cession signing, the U.S. Navy raised the American flag and took control of the islands.<sup>2</sup>

On July 14, 1904, the Tui Manu’a (King of Manu’a) and the chiefs of the eastern Samoan island group of Manu’a similarly granted sovereignty to the United States, “placing the Islands of Manu’a . . . under the full and complete sovereignty of the United States of America to enable said Islands, with Tutuila and Aunuu, to become a part of the territory of said United States.” Cession of Manu’a Islands 2, (July 14, 1904) (codified at 48 U.S.C. § 1661) [Exhibit 3 at 26]. In 1925, American Samoa was expanded to include Swains Island, an atoll north of Tutuila. 48 U.S.C. § 1662 (2018).

The people of these islands believed that by transferring sovereignty to the United States, they would be recognized as U.S. citizens. *See* Reuel S. Moore and Joseph F. Farrington, *The American Samoan Commission’s Visit to Samoa* 45 (1931) (“[T]he Samoans understood first that annexation by the United States

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<sup>2</sup> April 17th, “Flag Day,” is the largest annual public celebration in American Samoa and is commemorated by American Samoan communities throughout the United States.

meant the people would receive American citizenship.”) [Exhibit 4 at 53]; Ex. 4 at 55 (“After the American flag was raised in 1900 the people thought they were American citizens.”); *American Samoa: Hearings Before the Comm’n Appointed by the President of the United States* 217 (1931) [Exhibit 5 at 71] (statement of Chief Sotoa) (“[W]e underst[oo]d in that annexation that we automatically became American citizens.”).

### **C. Settled Law Supported Belief of Right to U.S. Citizenship Following Transfer of Sovereignty**

The understanding of the American Samoan people in 1900 that the transfer of sovereignty to the United States resulted in a right to U.S. citizenship accorded with the settled legal precedent of the time. In 1900, American law recognized only two legal statuses related to nationality: citizen and alien. *See* Christina Duffy Burnett, *They Say I Am Not an American . . .*, 48 Va. J. Int’l L. 659, 668–82 (2008) (explaining that in 1900 the legal status of “noncitizen national” did not exist). Moreover, as the U.S. Supreme Court had explained less than a decade earlier, “[m]anifestly the nationality of the inhabitants of territory acquired by . . . cession becomes that of the government under whose dominion they pass . . . .” *Boyd v. Nebraska*, 143 U.S. 135, 162 (1892). Just two years before American Samoa became a U.S. territory, the Supreme Court authoritatively interpreted the

Citizenship Clause of the Fourteenth Amendment as reaffirming “the ancient and fundamental rule of citizenship by birth *within the territory*, in the allegiance and under the protection of the country.” *United States v. Wong Kim Ark*, 169 U.S. 649, 693 (1898) (emphasis added). Thus, by all accepted legal standards, American Samoans reasonably expected recognition of U.S. citizenship as a consequence of transferring sovereignty to the United States through the Deeds of Cession.

## **II. ONCE INFORMED OF NON-CITIZEN NATIONAL STATUS, AMERICAN SAMOANS RELENTLESSLY SOUGHT EQUALITY AS U.S. CITIZENS FOR DECADES.**

In the 1920’s, U.S. Naval officers informed the American Samoan people for the first time that they were not recognized as U.S. citizens by the federal government.<sup>3</sup> *See, e.g.*, Ex. 5 at 78 (statement of Chief Liu that the U.S. Navy informed American Samoans that they learned they were not citizens); David A. Chappell, *The Forgotten Mau*, 69 Pac. Hist. Rev. 217 (2000) [Exhibit 6]. In response, prominent American Samoans organized a new political movement

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<sup>3</sup> Statutory recognition of American Samoans as “nationals, but not citizens, of the United States” did not occur until 1940. Nationality Act, ch. 876, § 204(a), 54 Stat. 1137, 1139 (1940) (current version at 8 U.S.C. § 1408(1) (2018)).

known as the Mau to press for recognition of U.S. citizenship and greater rights to self-government. Ex. 6 at 116-135.<sup>4</sup> In the face of repeated inaction from Congress, efforts to be recognized as U.S. citizens continued through the 1960s.

**A. Mau Movement and 1930's Testimony Supporting Recognition of Citizenship**

The Mau pushed for recognition of U.S. citizenship, organized public demonstrations, petitioned President Coolidge, and drew significant attention from Congress. Ex. 6 at 132-35. The Mau's protest for "their denied rights became an uproar, although without violence." Hearing on H.R. 3564 Before the Subcomm. on Territorial & Insular Possessions of the H. Comm. on Pub. Lands, 80th Cong. 241 (June 2, 1947) (Statement of Harold Ickes, former Secretary of the Interior) [Exhibit 7 at 148]. Word of political unrest in American Samoa reached Senator Hiram Bingham of Connecticut. Sen. Bingham introduced legislation to study the

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<sup>4</sup> The American Samoan Mau movement was separate and distinct from the more well-known Mau movement that formed around the same time in Western Samoa, which laid the foundation for Western Samoa's eventual independence. Ex. 6, p.100-01. Independence was not a goal of the American Samoan Mau. *Id.*

political discontent in American Samoa and was appointed chair of the resulting American Samoa Commission (the “Commission”). Ex.6 at 135.

Comprised of four members of Congress and three American Samoan chiefs, in 1930 the Commission convened extensive field hearings in American Samoa. Ex. 4 at 35-36, 39-40, 52-56. Throughout the hearings, American Samoans repeatedly and uniformly stated their desire to be recognized as U.S. citizens. American Samoans emphasized the importance of being treated as equals: “I desire . . . that the people of American Samoa should be true American citizens; receive American citizenship, **to be equal with the true American.**” Ex. 5 at 74 (statement of Chief Nua) (emphasis added). They viewed the denial of citizenship as unfair and desired to enjoy the same rights as other Americans:

I appeal to the commission to give those people what they want. Give them American citizenship. **Give them the privilege of other people of the United States . . . .** I ask the commission to . . . try your best to give us American citizenship.

Ex. 5 at 67 (statement of Napoleon Tuiteleleapaga, composer of American Samoa’s anthem) (emphasis added). A chief representing Pago Pago explained that American Samoans wanted full equality after years of living on American soil and under American governors:

[M]any years we have been under the American flag . . . . But . . . [w]e are not taken yet as citizens of America; . . . I pray . . . that we may be made citizens of the United States to serve the United States . . . we wish to become loyal and peaceful citizens of the United States.

Ex. 5 at 78 (statement of Chief Fanene). A chief representing Ta'u of the Manu'a Islands stated: "I wish . . . that the people of Samoa should obtain true American citizenship." Ex. 5 at 76 (statement of Chief Matoa). A high chief emphasized the contradiction of being under the sovereignty of the United States while not being recognized as citizens:

[T]he soil of Tutuila and Manua has been made a part of America but the people of Tutuila and Manua are not American Citizens . . . I therefore pray that the people of Tutuila and Manua may also become citizens of America.

Ex. 5 at 83 (statement of High Chief Samuel Tulele Galeai).

American Samoans were unequivocal in their desire to be recognized as U.S. citizens: "[I]t is requested to . . . make recommendations for the people of American Samoa to become true American citizens." Ex. 5 at 71 (statement of Chief Sotoa). "[E]very person in American Samoa . . . earnestly requests . . . the people of Samoa to be a true American Citizen." Ex. 5 at 73 (statement of Tui Manu'a Chris T. Young). "I request the commission to make a recommendation to

Congress to take certain acts to have the people of Samoa as true American citizens.” Ex. 5 at 75 (statement of Chief Taula).

Opposition to citizenship for American Samoans was limited to written testimony to the Commission from former Naval Governor to American Samoa Henry Francis Bryan, who expressed racially paternalistic views towards the American Samoan people: “The people are primitive . . . . They become savage only when deeply aroused . . . . They are like grown-up, intelligent children who need kindly guidance.” Ex. 5 at 96 (written statement of former Gov. H.F. Bryan). Bryan stated that, “the people of American Samoa are, at present, not at all prepared to become citizens of the United States; and have given the subject little or no thought.” Ex. 5 at 97.

The passionate testimony by American Samoa’s leaders persuaded the Commission otherwise. At the close of the hearings, Commission Chair Senator Bingham reported that the seven commissioners unanimously supported recognition of U.S. citizenship: “We shall make a report to the Congress of the United States which will contain, among other things . . . [t]hat full American citizenship be granted to the inhabitants of Tutuila-Manua.” Ex. 5 at 86. The Commission’s report characterized the hearing testimony as, “sincere, and



expressed with deep emotion...that the inhabitants of American Samoa be given full recognition as citizens of the United States.” S. Doc. No. 71-249 6 (1931) [Exhibit 8 at 159]. The Report reflected American Samoans’ principal aims of obtaining recognition of citizenship while preserving their customs and traditions:

The information furnished . . . by personal contact and observation made in American Samoa has brought the commission to the . . . conclusion[] . . . that the Samoans are capable of accepting and should receive full American citizenship . . . yet maintaining those native customs which they may wish to preserve.

Ex. 8 at 159. The Report concluded that in addition to being the just reward for American Samoans’ loyalty and allegiance, the Deeds of Cession *necessitated* a grant of citizenship:

The people of American Samoa freely and without reserve offered the sovereignty of their islands to the United States. This offer Congress has accepted. These people owed no allegiance to any foreign government . . . . Their loyalty to the United States and their intense longings to have made certain their national status demand recognition.

Ex. 8 at 161.

**B. Congressional Recognition of Citizenship Stymied by Racial Animus**

Despite the Commission’s unanimous recommendation to recognize American Samoans as U.S. citizens, Congress repeatedly failed to act on the

desires of the American Samoan people, largely due to racial animus, and partly due to opposition from the U.S. Navy, which at the time administered the islands.

In 1931, the U.S. Senate unanimously passed a bill to recognize American Samoans as citizens. *See A Bill to Provide a Government for American Samoa: Hearing on H.R. 9698 Before the H. Comm. on Insular Affairs, 72nd Cong. 26, 32 (1932) [Exhibit 9 at 173, 179].* However, the bill was not reported out of the House Committee on Insular Affairs. Ex. 9 at 184. The Senate passed identical legislation in the next session, S. 417. *See 75 Cong. Rec. 4133, 4591, 4844 (1932) [Exhibit 10 at 190, 191, 193].* But, the legislation again failed in the House. *See 76 Cong. Rec. 4926, 4937 (1933) [Exhibit 11 at 196, 207].*

Speaking on the House floor, Representative Carroll Beedy, who served on the American Samoa Commission, described the bill as fulfilling the wishes of American Samoans for recognition as U.S. citizens. Beedy spoke to his personal knowledge of American Samoans' desires, stating that "the bill carries out the recommendations of the commission . . . the people there are desirous of being made citizens. They are **entitled** to citizenship." Ex. 11 at 197 (1933) (emphasis added). "Section 4 is the citizenship section, which is the one thing the Samoans

must have if they are to be satisfied. They now have no citizen status in the world. They feel this very keenly.” Ex. 11 at 200 (statement of Rep. Beedy).

House opposition to recognizing American Samoans as U.S. citizens was fueled by archaic claims of racial inferiority:

What I am opposed to is taking American citizenship and flinging it . . . out to a group of people absolutely unqualified to receive it . . . . [T]hese poor unsophisticated people . . . . Let us not load upon them the responsibility of American citizenship. They can not take it . . . I say to you that this is a right that we ought to circumscribe with safeguards and is something that should never be given except as a privilege, and let us not give it to these people until they are able to appreciate the privilege. [Applause.]

Ex. 11 at 200, 207 (statement of Rep. Jenkins). Responding to this racially charged language, a supporter called for setting aside racial prejudices to recognize American Samoans as citizens: “[The people of American Samoa] want American citizenship, and that is about all they do want from us . . . . I think we can well waive our racial prejudices and scruples and give it to them . . . .” Ex. 11 at 202 (statement of Rep. Hopper).

The legislation was again defeated in the House. Ex. 11 at 202. In 1934, the Senate again unanimously passed legislation to recognize American Samoans as U.S. citizens. 78 Cong. Rec. 4895, 4899 (1934) [Exhibit 12 at 209, 213]. The

legislation again failed to clear House, and similar bills also failed in 1936 and 1937.<sup>5</sup>

In 1945 the American Samoan Fono,<sup>6</sup> an advisory body of American Samoan leaders, passed a resolution demanding recognition of American Samoans as U.S. citizens. Harold L. Ickes, Opinion, *Navy Withholds Samoan and Guam Petitions from Congress*, Honolulu Star-Bulletin, Apr. 16, 1947, at 9 [Exhibit 13 at 217]. Little was written of the 1945 resolution until 1947 when U.S. Representative C. Norris Poulson, accompanying U.S. Interior Secretary J.A. Krug on a visit to American Samoa accused the Navy Department of intentionally withholding knowledge of the resolution from Congress. Ex.13 at 217. During Secretary Krug's visit, high talking chief Tuiasosopo of Pago Pago told U.S. Interior Secretary J. A. Krug that American Samoans still desired U.S. citizenship. *Samoans Said Anxious for Citizenship*, Honolulu Advertiser, Feb. 28, 1947, at 13 [Exhibit 14 at 221].

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<sup>5</sup> See also Charles R. Venator-Santiago, *Citizens and Nationals...*, 10 Charleston L. Rev. 251, 271-72 (2016) (collecting, from 1931 to 2013, 31 bills introduced in Congress concerning U.S. citizenship for American Samoans).

<sup>6</sup> In present-day American Samoa, the Fono is the official name of the legislative branch of the territorial government.

In 1960, American Samoan leaders passed another resolution demanding U.S. citizenship for American Samoans. In December 1960, a congressional subcommittee visited American Samoa. Study Mission to E. [Am.] Sam., S. Comm. on Interior & Insular Affairs, 86th Cong., Rep. of Senators Oren E. Long, of Hawaii, and Ernest Gruening, of Alaska VII (Comm. Print 1961) [Exhibit 15 at 229]. Prior to the subcommittee's visit, radio broadcasts and local newspapers solicited American Samoans' views on U.S. citizenship and whether American Samoa should remain a part of the United States. Ex. 15 at 247. American Samoan leaders presented their resolution requesting recognition as U.S. citizens to the commission. Ex. 15 at 246, 248. The congressional subcommittee reviewed the resolutions and, after meeting with American Samoan leaders, concluded:

[T]he people on the islands of Eastern Samoa choose America . . . .  
[T]he people of Eastern Samoa are desirous of remaining a part of the United States, that they are loyal to the United States, and that they are dedicated to political and economic development with the United States.

Ex. 15 at 236.

### **III. AMERICAN SAMOANS HAVE NEVER WAVERED IN THEIR COMMITMENT TO REMAIN PART OF THE UNITED STATES.**

American Samoans' desire to remain a part of the United States has continued unabated to the present, even as misconceptions about what citizenship

would mean for American Samoa have arisen. In 1979, the American Samoa government produced a report on the future political status of the territory. It concluded that American Samoa should remain as a “territory of the United States.” American Samoa Government, Report from the Second Temporary Future Political Status Study Commission 45 (Sept. 14, 1979) [Exhibit 16 at 256]. In 2007, an American Samoan government commission stated that “[t]he Samoan public . . . overwhelmingly emphasized . . . that American Samoa must remain part of the American family of states and territories . . . .” Am. Sam. Future Political Status Study Comm’n, Final Report 42 (2007) [Exhibit 17 at 272]. The Commission recommended that “American Samoa shall continue as [a U.S.] territory and that a process of negotiation with the U.S. Congress for a permanent political status be initiated.”<sup>7</sup> Ex. 17 at 273.

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<sup>7</sup> Although the Commission recommended that “American Samoa not seek US citizenship for its people at this time” (Ex. 17, p.278), the Commission emphasized that concerns regarding U.S. citizenship such as federal taxation and loss of collective property rights, were unsupported:

We know now that taxes are based on income, not on nationality. Also, we know now that land is sold only by agreement of the owner, and that over 90 percent of land in American Samoa is communally owned and may not be alienated without consent of the entire family.

Ex. 17, p.276.

In 2017, the American Samoan government issued a statement to the United Nations that American Samoans remain loyal to the United States: “In spite of the democratic deficiencies, our loyalty and patriotism as a people [to the United States] is un-challenged.” Statement of Daniel Aga at the Caribbean Regional Seminar on the Implementation of the Third International Decade for the Eradication of Colonialism 5 (May 16–18, 2017) [Exhibit 18 at 285].

Throughout American Samoa’s territorial history, American Samoans have continually reaffirmed their loyalty, allegiance, and desire to remain a part of the United States. So long as American Samoa remains a part of the United States, all persons born in American Samoa are entitled to U.S. citizenship as a matter of right.

#### **IV. CITIZENSHIP PROVIDES IMPORTANT BENEFITS AND CONCERNS OVER CITIZENSHIP ARE MISPLACED.**

##### **A. American Samoans Living in the States Require Citizenship to Enjoy Same Rights as Other Americans**

More American Samoans now live in the fifty states than in American Samoa. Ex. 17 at 269. The 2010 U.S. Census reported American Samoa’s population was 55,519, while the population for Samoans living in the 50 states

was 184,440.<sup>8</sup> U.S. Census Bureau, CB11-CN.177, U.S. Census Bureau Releases 2010 Census Population Counts for American Samoa [Exhibit 20 at 309]. 60,876 Samoans live in California alone, and there are sizable Samoan populations in Hawai'i (37,463), Washington (18,351), Utah (13,086), and Alaska (5,953). *See* EPIC & Asian Americans Advancing Justice, Native Hawaiians & Pacific Islanders: A Community of Contrasts in the United States at 67 (2014) [Exhibit 21 at 333].

The distinction between citizen and non-citizen national has a disproportionate effect on American Samoans living outside American Samoa. In American Samoa, non-citizen nationals enjoy all the same rights as U.S. citizens—they can vote, run for office, and do not face obstacles to employment. *See e.g.*, Am. Sam. Const. art. II, §§ 3, 7 [Exhibit 22 at 346-347, 349]. But once a non-citizen national moves to another part of the United States, they are immediately disenfranchised at the federal, state, and local level, can no longer run for office,

---

<sup>8</sup> The 2010 Census figures do not distinguish between Samoans (1) born in American Samoa; (2) born in independent Samoa or another foreign country; and (3) born in states to parents from either American Samoa or independent Samoa. *See* U.S. Census Bureau, 2010 Census Summary File 1 F-45 (2012) [Exhibit 19, p.305].



are prohibited from serving on juries, are often ineligible to serve as police officers or firefighters, and are even blocked from serving as officers in the U.S. military. *See* Brief of Amicus Curiae David B. Cohen in Support of Plaintiffs-Appellants, *Tuaua v. United States*, 788 F.3d 300 (D.C. Cir. 2015) (No. 1492657) (describing the rights and benefits denied non-citizen nationals who live in the states) [Exhibit 23]. Each of the 50 states treats non-citizen nationals differently, making it difficult for non-citizen nationals to understand their rights as they move to different jurisdictions. Ex. 23 at 384-85. In many circumstances, non-citizen nationals actually enjoy fewer rights and benefits than foreign nationals who have a green card. Ex. 23 at 385-86.

**B. Concerns Raised Over Impacts of Citizenship are Misplaced**

Despite the long history of American Samoan support for recognition as U.S. citizens, elected officials in American Samoa today have opposed recognizing citizenship as a right for people born in American Samoa, arguing instead that citizenship should be a privilege subject to congressional approval. *See* Brief in Opposition by Respondents American Samoa Government & Office of Congressman Aumua Amata of American Samoa, *Tuaua v. United States* (U.S. May 11, 2016) (No. 15-981), *petition for cert. denied*, (U.S. June 13, 2016),

[Exhibit 24 at 440]. But these elected officials' concerns that birthright citizenship presents a threat to American Samoan self-determination or cultural preservation are misplaced. The question of self-determination for the American Samoan people to decide is whether or not to be a part of the United States, a question that continues to be answered in the affirmative. So long as the United States flag flies over American Samoa, the U.S. Constitution provides an individual right to be recognized as a citizen that is not subject to the views of elected officials.

Fears that recognition of citizenship would increase federal control or judicial scrutiny over land ownership or traditional cultural practices have been disabused by the American Samoan government's own 2007 political status commission as well as by leading constitutional scholars. *See, e.g.,* Christina Duffy Ponsa, Opinion, *Are American Samoans American?*, N.Y. Times (June 8, 2016) [Exhibit 25 at 450-52]; Noah Feldman, Opinion, *People of American Samoa Aren't Fully American*, Bloomberg View (March 13, 2016) [Exhibit 26 at 454-56]; Rogers Smith, *Differentiated Citizenship and Territorial Statutes*, in *Reconsidering the Insular Cases* 103, 124 (Gerald L. Neuman & Tomiko Brown-Nagin eds., 2015) (noting that "it is not evident, however, why treating [American Samoans'] citizenship as constitutionally based would raise the bar against

accommodationist policies” structured to preserve American Samoans’ land and cultural traditions) [Exhibit 27 at 484]. To the extent American Samoa’s land ownership rules or cultural protections raise constitutional concerns, these concerns exist separate and apart from whether American Samoans are recognized as citizens or non-citizen nationals. “The tension between traditional self-government and constitutional equality will have to worked out regardless of the residents’ citizenship status.” Ex. 26 at 456.

## **CONCLUSION**

In 1900, American Samoa’s leaders believed that by transferring sovereignty to the United States, they would have a right to be recognized as U.S. citizens. They were right then, and they remain right today. By granting the Plaintiffs’ motion for summary judgment, this Court would grant American Samoans the long-overdue recognition that they are the equals of all others born within the United States, as the Fourteenth Amendment requires.

Dated: April 19, 2018

Respectfully submitted.

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### **CERTIFICATE OF COMPLIANCE**

I, Barry G. Stratford, in reliance on the word count of the word processing system used to prepare this brief, certify that the foregoing complies with the type-volume limitations set forth in Civil Local Rule 56-1(g) because it contains 4,957 words, excluding the parts of the brief exempted by Civil Local Rule 56-1(g)(1).

I further certify that the foregoing brief complies with the typeface and typestyle requirements of Civil Local Rule 10-1(b) because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font.

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*Attorneys for The Samoan Federation of America, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION**

JOHN FITISEMANU; PALE TULI;  
ROSAVITA TULI; and SOUTHERN  
UTAH PACIFIC ISLANDER  
COALITION;

Plaintiffs,

v.

UNITED STATES OF AMERICA;  
U.S. DEPARTMENT OF STATE;  
JOHN J. SULLIVAN, in his official  
capacity as Acting Secretary of the U.S.  
Department of State; and  
CARL C. RISCH, in his official  
capacity as Assistant Secretary of State  
for Consular Affairs;

Defendants.

Case No. 1:18-cv-00036-CW

**SAMOAN FEDERATION OF  
AMERICA, INC.'S AMICUS BRIEF  
APPENDIX OF EXHIBITS**

Honorable Judge Clark Waddoups

BRIEF OF AMICUS CURIAE SAMOAN FEDERATION OF AMERICA, INC.  
IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

APPENDIX OF EXHIBITS

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1	Staff of S. Comm. on Interior & Insular Affairs, 86th Cong., Information on the Government, Economics, Public Health, and Education of America (Eastern) Samoa (Comm. Print 1960)	0001
2	Cession of Tutuila and Aunu'u (April 17, 1900), <a href="https://tinyurl.com/yaxd44nd">https://tinyurl.com/yaxd44nd</a>	0011
3	Cession of Manu'a Islands (July 14, 1904), <a href="https://tinyurl.com/ycpl7dz3">https://tinyurl.com/ycpl7dz3</a>	0023
4	Reuel S. Moore and Joseph F. Farrington, The American Samoan Commission's Visit to Samoa (1931)	0031
5	<i>American Samoa: Hearings Before the Comm'n Appointed by the President of the United States</i> (1931)	0057
6	David A. Chappell, <i>The Forgotten Mau</i> , 69 Pac. Hist. Rev. 217 (2000)	0099
7	Hearing on H.R. 3564 Before the Subcomm. on Territorial & Insular Possessions of the H. Comm. on Pub. Lands, 80th Cong. (June 2, 1947)	0144
8	S. Doc. No. 71-249 (1931)	0150
9	A Bill to Provide a Government for American Samoa: Hearing on H.R. 9698 Before the H. Comm. on Insular Affairs, 72nd Cong. (1932)	0168
10	75 Cong. Rec. 4133 (1932)	0185
11	76 Cong. Rec. 4926 (1933)	0195
12	78 Cong. Rec. 4895 (1934)	0208



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13	Harold L. Ickes, Opinion, <i>Navy Withholds Samoan and Guam Petitions from Congress</i> , Honolulu Star-Bulletin, Apr. 16, 1947.	0214
14	<i>Samoans Said Anxious for Citizenship</i> , Honolulu Advertiser, Feb. 28, 1947.	0218
15	Study Mission to E. [Am.] Sam., S. Comm. on Interior & Insular Affairs, 86th Cong., Rep. of Senators Oren E. Long, of Hawaii, and Ernest Gruening, of Alaska (Comm. Print 1961)	0222
16	American Samoa Government, Report from the Second Temporary Future Political Status Study Commission (1979)	0250
17	Am. Sam. Future Political Status Study Comm'n, Final Report (2007)	0257
18	Statement of Daniel Aga at the Caribbean Regional Seminar on the Implementation of the Third International Decade for the Eradication of Colonialism (May 16–18, 2017), <a href="https://tinyurl.com/y9bkxbnp">https://tinyurl.com/y9bkxbnp</a>	0279
19	U.S. Census Bureau, 2010 Census Summary File 1 F-45 (2012)	0297
20	U.S. Census Bureau, CB11-CN.177, U.S. Census Bureau Releases 2010 Census Population Counts for American Samoa (2011)	0308
21	EPIC & Asian Americans Advancing Justice, Native Hawaiians & Pacific Islanders: A Community of Contrasts in the United States (2014), <a href="https://tinyurl.com/ycgt34t6">https://tinyurl.com/ycgt34t6</a>	0311
22	Constitution of American Samoa	0334
23	Brief of Amicus Curiae David B. Cohen in Support of Plaintiffs-Appellants, <i>Tuaua v. United States</i> , 788 F.3d 300 (D.C. Cir. 2015) (No. 1492657).	0368
24	Brief in Opposition by Respondents American Samoa Government & Office of Congressman Aumua Amata of American Samoa, <i>Tuaua v. United States</i> , (U.S. May 11, 2016) (No. 15-981), <i>petition for cert. denied</i> , (U.S. June 13, 2016), <a href="https://tinyurl.com/y922v9ht">https://tinyurl.com/y922v9ht</a>	0410

<u>No.</u>	<u>Description</u>	<u>Page</u>
25	Christina Duffy Ponsa, Opinion, <i>Are American Samoans American?</i> N.Y. Times (June 8, 2016), <a href="https://tinyurl.com/y9wtsvcm">https://tinyurl.com/y9wtsvcm</a>	0449
26	Noah Feldman, Opinion, <i>People of American Samoa Aren't Fully American</i> , Bloomberg View (March 13, 2016), <a href="https://tinyurl.com/ya2zd62g">https://tinyurl.com/ya2zd62g</a>	0453
27	Rogers Smith, <i>Differentiated Citizenship and Territorial Statuses</i> , in <i>Reconsidering the Insular Cases</i> 124 (Gerald L. Neuman & Tomiko Brown-Nagin eds., 2015)	0458

# **EXHIBIT 1**

## STAFF STUDY ON AMERICAN SAMOA

—  
INFORMATION ON THE GOVERNMENT, ECONOMY,  
PUBLIC HEALTH, AND EDUCATION OF  
AMERICAN (EASTERN) SAMOA  
—

COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS  
UNITED STATES SENATE

PREPARED UNDER THE DIRECTION OF SENATOR OREN  
E. LONG OF HAWAII, CHAIRMAN OF THE SPECIAL SUB-  
COMMITTEE TO STUDY CONDITIONS IN AMERICAN  
SAMOA, PURSUANT TO SENATE RESOLUTION 330,  
86TH CONGRESS

NOVEMBER 1, 1960

Printed for the use of the Committee on Interior and Insular Affairs

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**STEWART FRENCH, Chief Counsel**

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### **SUBCOMMITTEE ON AMERICAN SAMOA**

**OREN E. LONG, Hawaii, Chairman**

**ERNEST GRUENING, Alaska**

**SHIGERU KANESHIRO, Special Consultant**

## LETTER OF TRANSMITTAL

---

SEPTEMBER 23, 1900.

HON. JAMES E. MURRAY,  
*Chairman, Committee on Interior and Insular Affairs,*  
*U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR MURRAY: I am transmitting herewith for the information of members of the Committee on Interior and Insular Affairs a staff study on American Samoa. The study, which brings together current information on the political and economic development of Samoa, along with data on public health and education in the territory, was prepared by Shigeru Kaneshiro, of my staff, an anthropologist formerly with the Administration of the Trust Territory of the Pacific Islands. Dr. Saul Rosenberg, curator of ethnology at the Smithsonian Institution, read the manuscript of the report and made most helpful suggestions. Discussion of the new Samoan constitution was added by Robert M. Kamins, my administrative assistant.

The subcommittee created by Senate Resolution 830 to conduct a study and investigation of conditions in American Samoa should find this report helpful in preparing for its work.

Sincerely yours,

OREN E. LONG,  
*Chairman, Subcommittee on American Samoa.*

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# AMERICAN SAMOA

## I. INTRODUCTION

### GEOGRAPHY

The Samoan archipelago is located between 13°26' and 14°32' south latitude and extends for 200 miles from 168°10' to 172°40' west longitude. The total land area of the island group is over 1,200 square miles, the greater part of which makes up Upolu (430 square miles) and Savai'i (700 square miles), the principal islands of the New Zealand-administered Trust Territory of Western Samoa. Seventy-seven miles to the east of Upolu lies Tutuila, the largest island (62 square miles) of the islands that make up American Samoa. The unincorporated territorial possession of American Samoa consists of seven islands: Tutuila, where the capital and harbor of Pago Pago are located, Annu'u (1 square mile), the Manu'a Group, which includes Ta'u (17 square miles), Olosega (2 square miles), and Ofu (3 square miles), and the coral atolls, Swains (1 square mile)<sup>1</sup> and uninhabited Rose. Their total land area of 76 square miles is—probably a poor comparison—slightly larger than the 69 square miles of the District of Columbia.

American Samoa is centrally located within the "Polynesian triangle" formed by Hawaii, New Zealand, and Easter Island. It is 2,270 miles southwest of Hawaii, 1,000 miles northeast of New Zealand, and 4,200 miles southwest of the continental United States. Temporally, these distances have been greatly reduced by the route of Pan American World Airways from Honolulu, which includes scheduled stops at Tutuila. Matson liners call regularly about every 8 weeks.

Except for Rose and Swains atolls, the American Samoan islands are of geologically recent volcanic origin. Mountains rise sharply from narrow coastal plains to heights of 2,141 feet on Tutuila and 3,056 feet on Ta'u. While scenically striking, the mountain ranges that dominate the landscape limit arable land to about 20 percent of the total land area. Samoan soils are largely basaltic clay with fertile alluvial deposits in the narrow valleys and sandy loam coasts.

The climate is tropical with an annual temperature ranging from 70° to 90° Fahrenheit and high humidity averaging about 80 percent. Rainfall is abundant but variable from year to year and averages 200 inches annually. The wet season is between November and March with a less wet season from April to October. Hurricanes are not unknown and have sometimes resulted in damage severe enough to require aid from the American Red Cross and the Government.

<sup>1</sup> Geographically, not in Samoan group but in Tokelau Islands.

## THE PEOPLE: POPULATION AND CULTURE

The population of American Samoa is 20,000<sup>a</sup> of whom about 1,500 are part-Samoans and 500 non-Samoans. In 1830 the population was estimated at about 10,000. Depopulation marked the remainder of the 19th century as a result of new diseases, warfare, and firearms. Birth control was practiced through abortions induced by massage and kneading, and it was believed that *kava*, if chewed in large enough quantities, could act as an abortifacient. In 1881 the population was estimated at 7,000; and in 1900 it had dropped further to 5,679.

Under the public health program of the U.S. administration, depopulation was checked and population increases have since been the rule. The population was 7,251 in 1912; 8,056 in 1920; 10,055 in 1930; 12,908 in 1940; and 18,937 in 1950. In the last complete census of September 25, 1950, the population was 20,154 distributed as follows: 17,307 on Tutuila, 2,767 in the Manu'a Group, and 80 on Swains Island. (See app. I.) With a total of 10,107 males to 10,047 females, there is no significant imbalance in the sex ratio; except that in the 25 to 29 years age group with 583 males to 765 females, there is a significant preponderance of females—a disproportion to be accounted for by the greater opportunities for men to emigrate, join the Armed Forces, and study abroad.

The American Samoan population is an extremely young one. Of the 1950 population, 48 percent was under 15 and 85 percent under 40. From 1946 to 1951, American Samoa had a crude birth rate of 42.9 per 1,000 population, as compared to 24.4 for the United States and 25.2 for New Zealand. Its crude death rate per 1,000 population was 9.1, which is comparable to the U.S. rate of 9.7 and the New Zealand rate of 9.2. The extremely youthful population coupled with one of the world's highest birth rates and a low death rate auger serious Malthusian pressures for the territory.

Samoa belongs culturally to the western division of the Polynesian culture area. It is not certain whether Tonga or Samoa was the original point of dispersal of the early Polynesians, but the linguist Samuel Elbert suggests that the former, with the more complex and archaic language, was settled first. After over 125 years of contact with western influences, Samoan social organization still retains much of its traditional structure with the extended family as the most important social group and the village the basic territorial unit. Ceremony and reciprocal exchange are highly valued traits of Samoan social life and have been vital forces in the preservation of much of *fa'a Samoa* (the Samoan way). Religion was not as highly developed in Samoa as in other parts of Polynesia; and, impressed by the material power and wealth of westerners, Samoans readily accepted Christianity, which is now represented by several denominations. These include the London Missionary Society (Congregationalist), Roman Catholics, Methodists, Mormons, Seventh-day Adventists, and a locally organized Samoan Congregational Church. Church activities now play an important role in village organization and activities.

<sup>a</sup> Preliminary 1960 census total is 20,040.



## HISTORY

The Samoan Islands were visited in the 18th and 19th centuries by Roggeveen (1722), Bougainville (1768), La Perouse (1787), Edwards (1791), and Kotzebue (1824). A U.S. exploring expedition under Lt. Charles Wilkes visited the islands in 1838. The influence of white men was slight, however, before 1880 when missionary activities by the London Missionary Society commenced. By this date, Hawaii had already achieved political unity and Hawaiian culture was undergoing great change through the influence of missionaries, traders, and whalers. Samoa, with constant internal strife and warfare and a reputation for inhospitable reception of trading and whaling ships, was largely avoided. La Perouse, after losing 11 men in a clash with Tutuilans called them "perhaps the most ferocious people to be met with in the South Seas."

Early European activity centered largely around the port town of Apia in Upolu. Whalers and adventurers participated in the internal struggles which gave cause for occasional visits by warships of the great powers. As early as 1830 "commercial regulations" were drawn by British and American naval commanders to control the port of Apia and the activities of whites, although these agreements were ineffective. The local Samoan council was treated as the government and the Tafa'ifa, or ceremonial head, as a "king." Consuls were appointed by Britain in 1847, by the United States in 1853, by the city of Hamburg in 1861, and later by a unified Germany.

There was little stability, however, to the Samoan "kingdom." Warfare was recurrent between the traditionally rival Malietoa and Tupua families that controlled the highest chiefly titles in Western Samoa. In their involvement in local conflicts, the British and Americans generally supported the former, the Germans the latter. An attempt was made in the 1870's to form a national government with a constitution and a code of laws under white guidance, particularly by an American named Steinberger. This too crumbled under sectional rivalries.

In 1877 Samoan representatives visited the British High Commissioner of the Western Pacific at Fiji and requested annexation; this was refused. The following year a commissioner was sent to the United States with a similar request which was also refused. But a "treaty of peace and friendship" was concluded between the United States and the Samoan Government which prohibited annexation by any other nation, and assured American nationals equal privileges with those of other nations, and secured for the United States the right to establish a coaling station at Pago Pago. This right had been obtained earlier in 1872 by an agreement concluded by Comdr. Richard W. Meade, Jr., U.S. Navy and the Tutuilans but had never been ratified by the U.S. Congress. In 1879 the United States, Britain, and Germany with representatives of the Samoan Government established the municipality of Apia as a "neutral territory" under a municipal board of the consuls and where whites were to enjoy extraterritorial privileges.

The Samoan polity continued to be marked by dissention and factional struggles for power. During the 1880's a mission from the King of Hawaii arrived in an attempt to annex the territory but was ig-



nominiouly expelled. New Zealand, which envisioned a British Federation of the South Seas including Samoa, urged the British Colonial Office to accede to the petition of one of the anti-German Samoan factions for annexation. Active German military intervention in the internal struggles of Samoa brought protests from the other powers and the United States decided to send a fleet to Samoa to exercise its privilege under the treaty of 1878 to build a coaling station at Pago Pago. The year 1880 found six warships of the great powers in Apia Harbor. The tension of the situation reached its climax not in a naval engagement but in the sudden fury of a hurricane that swept upon the ships, leaving all but one battered on the reef and from which only a few of the ships' companies survived. The disaster opened diplomatic channels to a conference in Berlin in April 1889.

The Berlin Act of 1889 recognized Samoa as an independent kingdom with its own government and reestablished the municipality of Apia as an international concession area. The act also provided for land matters, customs, and finance, the prohibition of liquor, and control of arms and ammunition. This arrangement again proved too complex and unsatisfactory and the succeeding 10 years were characterized by uprisings, intrigue, and dissention. A question of succession to the kingship in 1898 decided by the Chief Justice according to the terms of the Berlin Treaty was unfavorably received and angered Samoans overran Apia. Early in 1899 British and American warships bombarded Apia and other "insurgent" villages and also landed skirmishing parties, while Samoans looted the property of whites in and around Apia.

A High Commission of the three powers investigated the situation and abolished the kingship, leaving the Government of Samoa in the hands of a temporary consular board. The following year, under the Treaty of Berlin, the Samoan Islands were divided between the United States and Germany, with the United States getting the smaller islands east of longitude 171° W. and Germany the larger western islands. Britain, then engaged in the Boer War, gave up her rights to Samoa for other imperial concessions. All three nations agreed to equal commerce and shipping rights in Samoan ports.

#### WESTERN SAMOA

Western Samoa was made a German protectorate and a civil administration was established which, in contrast to the preceding years, was firm and remarkably successful in gaining the support of the white settlers and in curbing the disruptive internal disputes between rival Samoan factions. However, the German administration had to crush a nationalistic movement, the Lauati Rebellion, in 1909. German occupation of Western Samoa ended in August 1914 with the peaceful occupation of the islands by a New Zealand force.

Western Samoa remained under military government until 1920 when civil rule was reestablished by New Zealand under authority of a mandate from the League of Nations. A most disruptive occurrence of the brief period of military rule was the influenza epidemic of 1918 which wiped out one-fifth of the Western Samoan native population. This physical and cultural shock that befell Western Samoa was averted in American Samoa, which fortunately had time to take necessary precautions.

## EXHIBIT 2



(Enc.)

3931	NAVY DEPT.	1900
H2	SECRETARY'S OFFICE.	
	REC'D AUG 4	

4725	RECEIVED	1900
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Subject No. 7767 Letter No. 19.

RECEIVED  
SEP 5 1900

NAVY DEPARTMENT

Bureau of Yards and Dock

DATED APRIL 17 th 1900

INSTRUMENT of CESSION

CHIEFS OF TUTUILA

to

UNITED STATES GOVERNMENT.

TRANSLATION in ENGLISH LANGUAGE  
with DEED in SAMOAN LANGUAGE

EDWIN W. GURR.  
SOLICITOR  
SAMOA.

File with Treaty U.S., Gt. Britain, Germany of Dec 2, 1899  
& note in Envelope. A.H.G.

See President's letter of  
July 23, 1922, to the  
Chief of Staff.

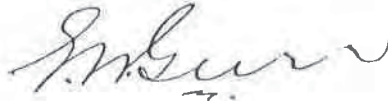
314

CERTIFICATE OF INTERPRETATION.

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I, Edwin W Gurr of Apia in Samoa, Barrister and Solicitor of the Supreme Court of Samoa, of Her Britannic Majesty's Deputy Commissioner's Court for the Western Pacific and an Attorney of the Court of the United States Consulate-General for Samoa do hereby declare :-

1. That I have a competent knowledge of the English and of the Samoan Languages.
2. That the translation herein is a true translation and interpretation of the Instrument of Cession in the Samoan Language attached hereto.
3. That prior to the execution and delivery of the said Instrument of Cession, the subject matter of it was thoroughly explained by me to the Representatives of the People of Tutuila at several meetings, and that the representatives whose names are thereto subscribed voluntarily and freely executed the same. In witness whereof I have hereunto placed my hand on this 19th day of April in the year 1900 A.D.



Signed by the said E. W. GURR

in the presence of



—Commander, U. S. Navy—

Commandant U. S. Naval Station, Tutuila



( Translation )

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING ! !

WHEREAS the Governments of Germany, Great Britain, and of the United States of America have on divers occasions recognized the sovereignty of the government and people of Samoa and the Samoan Group of Islands as an independent State : AND WHEREAS owing to dissensions, internal disturbances, and civil war the said Governments have deemed it necessary to assume the control of the legislation and administration of said State of Samoa: AND WHEREAS the said Governments have on the sixteenth day of February 1900 by mutual agreement determined to partition said State: AND WHEREAS the Islands hereinafter described being part of the said State have by said arrangement amongst the said Governments been severed from the parent State and the Governments of Great Britain and of Germany have withdrawn all rights hitherto acquired claimed or possessed by both or either of them by Treaty or otherwise to the said Islands in favor of the Government of the United States of America : AND WHEREAS for the promotion of the peace and welfare of the people of said Islands, for the establishment of a good and sound Government, and for the preservation of the rights and property of the inhabitants of said Islands, the Chiefs, rulers and people of thereof are desirous of granting unto the said Government of the United States full power and

and authority to enact proper legislation for and to control the said Islands and are further desirous of removing all disabilities that may be existing in connection therewith and to ratify and to confirm the grant of the rule of said Islands heretofore granted on the 2nd day of April 1900 NOW KNOW YE :-

1. That we, the Chiefs whose names are hereunto subscribed, by virtue of our office as the hereditary representatives of the people of said Islands in consideration of the premises hereinbefore recited and for divers good considerations us hereunto moving, have CEDED, TRANSFERRED, AND YIELDED UP, unto Commander B. F. Tilley of U.S. "Abarenda" the duly accredited representative of the Government of the United States of America in the Islands hereinafter mentioned and described for and on behalf of the said Government ALL THOSE the ISLANDS of TUTUILA and AUNUU and all other Islands, rocks, reefs, foreshores, and waters lying between the thirteenth degree and the fifteenth degree of south latitude and between the one hundred and seventy first degree and the one hundred sixty seventh degree of west longitude from the Meridian of Greenwich together with all sovereign rights thereunto belonging and possessed by us TO HOLD the said ceded territory unto the Government of the United States of America TO ERECT the same into a separate District to be annexed to the said Government to be known and designated as the District of "Tutuila".

2. The Government of the United States of America shall respect and protect the individual rights of all people dwelling in Tutuila to their lands and other property in said District, but if the said Government shall

shall require any land or any other thing for Government uses, the Government may take the same upon payment of a fair consideration for the land or other thing to those who may be deprived of their property on account of the desire of the Government.

3. The Chiefs of the towns will be entitled to retain their individual control of the separate towns, if that control is in accordance with the laws of the United States of America concerning Tutuila, and if not obstructive to the peace of the people and the advancement of civilization of the people, subject also to the supervision and instruction of the said Government. But the enactment of legislation and the General Control shall remain firm with the United States of America.

4. An investigation and settlement of all claims to title to land in the different divisions or districts of Tutuila shall be made by the Government.

5. We whose names are subscribed below do hereby declare with truth for ourselves, our heirs, and representatives by Samoan Custom, that we will obey and owe allegiance to the Government of the United States of America.

IN WITNESS WHEREOF WE HAVE HEREUNTO SUBSCRIBED OUR NAMES AND AFFIXED OUR SEALS ON THIS 17th DAY OF APRIL 1900 A.D.

FOFO and AITULAGI

1	TUITELE	*	of	LEONE
2	FAIIVAE	*	of	LEONE
3	LETULI	*	of	ILIILI
4	FUIMAONO	*	of	AOLOAU
5	SATELE	*	of	VAILOA
6	LEOSO	*	OF	LEONE
7	OLO	*	of	LEONE

8 NAMOA \* of AITULAGI  
 9 MALOATA \* of AITULAGI  
 10 TUNAITAU \* of PAVAI  
 11 LUALEMANA \* of ASU  
 12 AMITUAGAI \* of ITUAU  
 SUA and VAIFANUA

13 PELE \*  
 14 MAUGA \*  
 15 LEIATO \*  
 16 FAUMUINA \*  
 17 MASANIAI \*  
 18 TUPUOLA \*  
 19 SOLIAI \*  
 20 MAUGA \*

The foregoing Instrument of Cession was duly signed by LEOSO in the presence of and at the request of the CHIEFS and representatives of the Division of Fofu and Aitulagi and by PELE in the presence of and at the request of the CHIEFS and representatives of the Division of Sua and Vaifanua in Tutuila in conformity with a Samoan Custom as to signatures to documents in my presence at Pagopago on the 17th day of April 1900 A.D. immediately prior to the raising of the United States Flag at the United States Naval Station, Tutuila.



A Barrister of the Supreme Court of Samoa



UA IA LATOU UMA UA MAUA LENEI TUSI, SI O MATOU ALOFA ! !  
 INA O sa talia ma faatuina e Malo Tetele o Siamani ma  
 Pelotania Tele, ma Amelika i aso ua mavae le pule o le  
 Malo ma le Nu'u o Samoa, ua ilogaina foi o le Atunuu o  
 Samoa o le Malo e tasi lea : INA O tupu pea fofinauaiga  
 ma fefemisaiga ma taua ua taofi Malo Tetele o tataua ina  
 i a latou ua avea le pule o tulafono ma feau a le Malo  
 o Samoa mo i latou lava. INA UA finagalo faatasi Malo Ta-  
 -etele ma ua vavasesaina nei Motu ua tusia i lalo mai le  
 Atunuu o Samoa, ua faafoisia e Malo Pelotania Tele ma  
 Siamani la laua pule ua maua ai ona o feagaiga fealofani  
 poo isi feagaiga ma ua tuuina atu lea pule i le Malo o  
 le Unaitē State o Amelika: INA UA faatupuina le fealo-  
 -fani ma le nofololei o nuu o Atunuu nei, ina ia faavae-  
 -ina le Malo lēlei ma le malosī, ina ia taofi pea tagata  
 o lēna atunuu la latou pule taitoatasi i mea eseese o i  
 ai, UA MANANAO ALII, faipule, ma tagata o lēna atunuu,  
 ia foai atu i le Malo o le Unaitē Setete o Amelika le aia  
 atoatoa ina ia faia o le Malo tulafono ma le tonu, ua pu-  
 -le tonu foi i Atunuu lēna, ua mananao foi latou ona ave-  
 -ese mea uma ua faalavelaveina i lēna pule, ua fia faamau  
 foi ma toe faia le foai atu o le pule i Atunuu lēna i le  
 aso 2 o Aperila 1900.

O LENEI: IA SILAFIA OUTOU !!

1. O i matou, Alii ua tusia le matou igoa i lalo o le-  
 -nei tusi, ona o matou tofiga, o sui lea o nuu o Atunuu  
 lēna ua faatatau ma le tu-faasamoa, ona o mataupu uma  
 ua tusia muamua, ma nisi mea eseese lēlei ua faatupu ai  
 nei le matou loto, matou te to atu, ma avatu, ma fosi atu  
 ia Commander B. F. Tilley o le Manuao o le Unaitē Setete  
 o Amelika o le Abaranda-lea, o le sui tonu lea o le Malo  
 o le Unaitē Setete o Amelika i Atunuu nei ua tusia i lalo  
 mo le Malo o Amelika O MOTU UMA o TUTUILA ma AUNUU, ma  
 nisi motu uma ma papa, ma aau, ma iliti tai, ma vai ma

aloalo o loo i le va o 13 tikeri ma le 15 tikeri o latitude saute, i le va foi o 171 tikeri ma 167 tikeri o west longitude e tutusa ma le Meridian o Greenwich, ua atoa foi ma pulo mamalu o loo nei ia te matou. Ia taofia nuu lena ua foai atu ai nei o le Malo o le Unaitete Setete o Amelika e fai ma nuu ua sosoo ai ma le Malo o Amelika ua ilogaina o le nuu o Tutuila.

2. O le Malo o le Unaitete Setete o Amelika, latou te faamamalu ma tausii le pulu taitoatasi o tagata uma o loo nonofô nei i Tutuila i o latou fanua ma nisi mea a e manao le Malo se fasi elcele poo isi mea ina ia faaogaina lea fanua poo lea mea mo le galuga o le Malo e mafai le Malo ona ave mo latou fasi fanua poo isi mea ua manao ai le Malo pe a totogi atu i le Malo tupa e tusa ma le fanua poo isi mea i a latou ua le iloa ai le fanua poo isi mea ona o le manao o le Malo.

3. Ua mafai alii o aai eseese ona taofi pea la latou pulu taitoatasi i aai taitasi, pe a tatau lea pu-le ma tulafono o le Unaitete Setete o Amelika, pe a le faalavelaveina le nofolelei o nuu, ma le filamu o taga-ta ma le solomua i le faamalamalamaina o nuu, a e tausii pea ma faatonu atu pea le Malo i a latou. A o le faiga o tulafono ma le pulu aao e tumau pea lea i le Malo o le Unaitete Setete o Amelika.

4. O le a faia o le Malo i aso a sau nei suga o fanua ma faaiaina foi pulu o fanua eseese i Itumalo eseese.

5. O i matou alii Samoa ua tusia le matou igoa i-lalo, matou te tautino atu ma le faamaoni o i matou, ma matou sui ma suli e tusa ma le tu e masani ai Samoa, matou te usiusitai ma gauai atu i le Malo o le Unaitete Setete o Amelika


UA MOLIMAUINA nei, matou te tusi le matou igoa ma faa-pipii le matou faailoga i le aso 17 o le masina o Aprila i le tausaga 1900

	Tofa ma	aitulagi
x	Tuitele	Leone
x	Faiuae	Leone
x	Letuli	Ilili
x	Tuimano	asolan
x	Satele	Vailoa
x	Leoo	Leone
x	Olo	Leone
x	Wamoa	aitulagi
x	Malota	aitulagi
x	Tumaitau	Paraii
x	Lualemana	aesie
x	amituapi	Ituan



Sua male Vaifanua  
 Pere +  
 Mauga x  
 Teiato x  
 Laumina x  
 Masani'ai x  
 Tupuola x  
 Solia'i x  
 Mauga +

The foregoing Instrument of Cession (pages 1, 2, 3 & 4) was duly signed by Deoro in the presence of and at the request of the Chiefs and representatives of the Division of Tolo and Aukilagi, and by Pele in the presence of and at the request of the Chiefs and representatives of the Division of Sua and Vaifanua in Tutuila in conformity with a Samoan Custom as to signatures to documents in my presence at Pagopago on the 17<sup>th</sup> day of April 1900 immediately prior to the Raising of the United States flag at the United States Naval Station, Tutuila.

  
 a Barrister of the Supreme Court  
 of Samoa.



## EXHIBIT 3

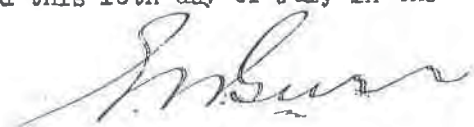
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U.S. NAVAL STATION  
TUTUILA

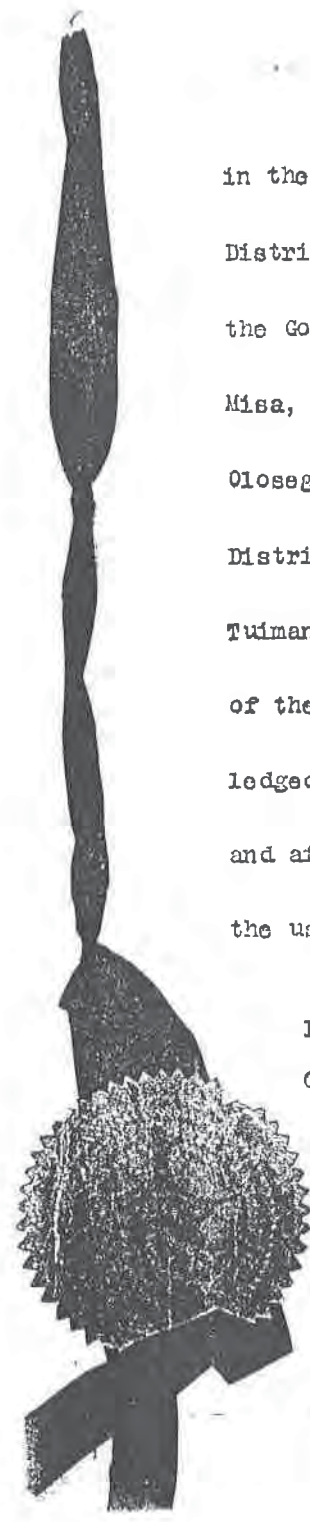
UNITED STATES NAVAL STATION, TUTUILA.

District Court of Tutuila, )  
No. 5, )  
Held at Tau, in Manua )

I HEREBY CERTIFY that on this 16th day of July,  
in the year 1904, before me, Edwin W. Gurr, Judge of the  
District Court of Tutuila, personally appeared Tuimanua,  
the Governor of Manua, Tufele, County Chief of Fitiuta,  
Misa, County Chief of Ofu, Tuiolosega, County Chief of  
Olosega, Asoau, County Chief of Faleasao, and Logoai,  
District Clerk of Manua, personally known to me to be the  
Tuimanua, high chiefs, and representatives of the people  
of the Islands of Manua, who, each for himself, acknow-  
ledged that he executed the attached Instrument of Cession,  
and affixed his seal thereto, freely and voluntarily, for  
the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF I have caused the seal of the  
Court to be affixed this 16th day of July in the  
year 1904.

  
District Judge of Tutuila.



# 314

TO ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING:-

W H E R E A S, the Islands of the Samoan Group lying east of longitude 171 west of Greenwich were, on the 16th day of February, 1900, by arrangement between the Governments of Germany, Great Britain, and the United States of America, placed under the protection of the Government of the United States of America;

A N D W H E R E A S, on the 17th day of April, in the year 1900, the Islands of Tutuila and Aunu'u, being portion of said Islands of the Samoan Group lying east of longitude 171 west of Greenwich, were, by the chiefs and rulers of Tutuila and Aunu'u, ceded to and placed under the sovereignty and protection of the United States of America, and the government of said Islands was thereupon assumed by said United States;

A N D W H E R E A S, in administering said government, the Islands hereinafter described, known as the Manua Islands, being the remainder of said Islands of the Samoan Group lying east of longitude 171 west of Greenwich, have been under the protection of the United States of America, and controlled and governed in conjunction with the Islands of Tutuila and Aunu'u;

A N D W H E R E A S, at the request of Tui-Manua, the King of Manua, and his chiefs, the United States Flag was, on the 5th day of June,

(2)

1900, raised on the Island of Tau, of the Manua Group, for the purpose of granting protection to the people of the Manua Islands;

A N D W H E R E A S, Tuimamua and his chiefs, being content and satisfied with the justice, fairness, and wisdom of the government as hitherto administered by the several Commandants of the United States Naval Station, Tutuila, and the officials appointed to act with the Commandant, are desirous of placing the Islands of Manua herein-  
after described under the full and complete sovereignty of the United States of America to enable said Islands, with Tutuila and Aunu'u, to become a part of the territory of said United States;

N O W K N O W Y E (1) That we, Eleasara Tuimamua and the chiefs whose names are hereunder subscribed, in consideration of the premises hereinbefore recited, have ceded, and, by THESE PRESENTS DO CEDE, unto the Government of the United States of America, ALL THOSE, THE ISLANDS OF THE MANUA GROUP, being the whole of eastern portion of the Samoan Islands lying east of longitude 171 west of Greenwich and known as TAU, CLOSEGA, OFU, and ROSE ISLAND, and all other, the waters and property adjacent thereto, together with all sovereign rights thereunto belonging and possessed by us.

T O H O L D the said ceded territory unto the Government of the United States of America; to erect the same into a territory or district

(3)

of the said Government.

(2) It is intended and claimed by THESE PRESENTS that there shall be no discrimination in the suffrages and political privileges between the present residents of said

*ms*  
Islands and citizens of the United States dwelling therein, <sup>also the rights of the</sup> and that ~~the provisions contained in the Act of Session by the chiefs and rulers of the islands for the present and retention of the people concerning their property according to their custom shall be~~ <sup>rights of all people, and for their government, shall be extended toward the people dwelling in</sup> the islands of Manua. *ms*

Done at the place of Faleula in Tau, in triplicate, in both the Samoan and the English languages, on this 14<sup>th</sup> day of July, in *ms* the year 1903, A.D.

*King of Manua*  
and District Governor

County Chief of Fitiuta

County Chief of Ofu

County Chief of Rosega

County Chief of Saleasas

District Clerk.

*Misamamua*

*Tufale*

*Misa*

*Tuialosega*

*Asoan*

*P. Logorai*

O LOO IA TE I LATOU UMA UA MAUA LENEI FEAGAIGA,  
SI O MATOU ALOFA ATU !

I N A U A osi feagaiga i le aso 16 o Fepuali i  
le tausaga 1900, o Malo TETELE o Siamani, ma Peretania  
Tele, ma le Unaitē Setete o Amelika ona o le vavaeese-  
ina le vaega o Motu o Samoa o loo i le Itu i Sasae o  
logitu 171 i sisifo o le meritiana o Lonetona, ma tuu-  
ina atu le Pule i ai le Malo o le Unaitē Setete o Amelika;

I N A U A oo foi, i le aso 17 o Aperila i le tau-  
saga 1900, o Motu o Tutuila ma Aunuu, o le tasi vaega lea  
o Motu o Samoa i le itu i sasae o logitu 171 i sisifo o le  
meritiana o Lonetona, sa to atu ma tuuina atu i lalo o le  
pule ma le faamamalu o le Unaitē Setete, o le malo foi o  
motu na ua pule i ai i lea lava aso le Malo o le Unaitē  
Setete;

I N A U A oo foi, ina pule i ai lena Malo, o Motu  
foi ua tusia i lalo, ua iloaia o Motu o Mamua, o le  
vaega lea ua totoo o Motu o Samoa o loo i le itu i sasae  
o logitu 171 i sisifo o le meritiana o Lonetona, o loo i  
lalo foi o le faamamalu o le Unaitē Setete, ua pule i ai  
faatasi ma le pule i Motu o Tutuila ma Aunuu;

I N A U A oo foi, ona o le fesili o Lana Afioaga a  
Tuimamua, le Tupu o Manu'a, ma ona faatui, ina sisi le  
TUA o le Unaitē Setete i le aso 5 o Iuni i le tausaga  
1900, i le Motu o Tau, ina ia faamamalu ina o Motu o  
Manu'a;

I N A U A oo foi, O Tuimamua atoa ma ona alii, ua  
fiafia ma lotomalie latou i le faamasinoga tonu, ma le  
amiotonu, ma le poto o le faigamalo ua pule i ai Kovana  
sili o le Kolone o Tutuila ma Manu'a ma alii tofia ua  
galulue faatasi ma le Kovana sili, O LEA, ua manao i  
latou e tuuina atu Motu o Manu'a i lalo o le pule asao



(2)

ma le pule atoatoa o le Unaitē Setete o Amelika ina ia  
taua o Motu na faatasi ma Tutuila ma Aunuu e avea ma le  
vaega nuu o le nuu ma le Malo o le Unaitē Setete;







O LENEI, IA SILAFIA E OUTOU:- (1) O i matou, o  
Eleasara Tuimanua, ma ona faatui ma alii ua tusia o latou  
suafa i lalo i lenēi tui, ona o mataupu uma ua faasino-  
ina ma tusia muamua nei, matou te te atu, ua matou foai  
atu i lenēi lava feagaiga, i le Malo o le Unaitē Setete,  
o Motu uma o le Atunuu o Manu'a, o le totoe lea o le  
vaega o Samoa i le itu i sasae o logitu 171 i sisifo  
o le meritiona o Lonetona, ua lauiloaia o Tau ma Olosega,  
ma Ofu, ma le nuu o Manu, ma le sami ma vai ma isi mea  
latou te tuai, faatasi ma le pule atoatoa o loo nei ia  
te i matou IA TAOFIA nei le Atunuu lena, ua foai atu ai  
nei, e le Malo o le Unaitē Setete o Amelika e avea ma nuu  
poo faigamalo o le Malo o Amelika;

(2) Ua faapea le uiga ma  
le taofi i lenēi feagaiga, ua le vavaeese le pule ma mea  
a le Malo e tataui i ai i le va o tagata ua mau nei i Motu  
na ma tagata Amelika ua nofo foi i Motu na, (o le uiga o  
lenēi mataupu e faapea: Ua tusa tagata o le nuu i tagata  
papalagi mai Amelika ua mau i Samoa, ua le sili le papa-  
lagi i le Samoa), i le ma lea foi, o Mataupu ua faasinoina  
pule i alii i lea nuu ma lea nuu  
ma tusia i le faagaiga ua oia o alii na faatui o Tutuila  
ma tagata faatasi i a latou lava mea  
e uiga ile faaga ma le faamamalu o pule o le nuu ma le  
ua masani ai  
latou faigamalo, ina faaga mataupu na i nuu ua mau i Motu  
o Manu'a.

ma le ava

U A F A I A i l e F A L E U L A i T A U faatolu

MS i le gagana Samoa ma le gagana Poretania foi i le aso 14  
 . o ~~Novemba~~ i le tausaga 190<sup>1</sup><sub>5</sub>, T. A.

Kovana Iumalo	<u>Quiamania</u>	
Pule Saalupaga o Iitinta	<u>Aufele</u>	
Pule Saalupaga o Ofu	<u>Misa</u>	
Pule Saalupaga o Olosega	<u>Tuolosega</u>	
Pule Saalupaga o Ialeasao	<u>Asoau</u>	
Iailautusi Iumalo	<u>L. L. L.</u>	



## **EXHIBIT 4**

THE AMERICAN SAMOAN COMMISSION  
VISIT TO THE COMMISSION'S  
VISIT TO SAMOA

MOORE and FARRINGTON

DU  
813  
N82

# THE AMERICAN SAMOAN COMMISSION'S VISIT TO SAMOA

SEPTEMBER-OCTOBER  
1930

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BY  
REUEL S. MOORE and JOSEPH R. FARRINGTON

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1931

## PREFACE

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The narrative which follows was prepared at the request of Senator Hiram Bingham, of Connecticut, chairman of the American Samoan Commission, by the two newspapermen who accompanied the commission on its trip from Honolulu to Samoa. Its purpose is not so much to record the work of the commission from the standpoint of what may have been accomplished, but to recount all the essential details of what transpired during the visit of the commission to Samoa. It is the story of how the work of the commission was conducted, and in addition to presenting the high points of the testimony given in formal hearings it recites many incidents of interest and some of importance which would not be recorded otherwise in any official document. It makes no pretense at being a history of the events which led up to the visit of the commission to Samoa. It is not a critical estimate of the work of the commission, but to whomever this task may fall in the future this record may be useful. The account may not be a finished piece of literary work, but it should be accurate, as it has passed through the hands of several of those who were witnesses of the events recounted herein.

REUEL S. MOORE.  
JOSEPH R. FARRINGTON.

III

## THE VISIT OF THE AMERICAN SAMOAN COMMISSION TO SAMOA

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Always in the history of American Samoa the arrival of ships of war marked events of moment. They were the powerful hand of the great white people of the north reaching far into the South Pacific, sometimes a mailed fist stretching out for the riches of the Tropics and sometimes a palm of good will extending a clasp of friendship and of helpfulness.

In 1889 the ships of three powers lay in menacing proximity in Apia Harbor of western Samoa only to be destroyed or driven away by the historic hurricane. The treaty of Berlin came in consequence of this visit, dividing the islands into the western group under the control of Germany and the eastern group under the control of the United States.

In 1900 an American warship arrived at Pago Pago and anchored in its harbor. At this time the chiefs of the island of Tutuila voluntarily ceded their diminutive domain to the United States. In 1904 the chiefs of the three tiny islands, the Manua group which lay 65 miles farther east, followed suit.

The affairs of American Samoa proceeded serenely under the administration of the United States Navy Department for two decades, but a series of unfortunate events at the close of that period brought another American warship to Pago Pago. This was in the fall of 1920.

The events which resulted in the visit of this warship were to have their echoes in the decade that followed. The reorganization of the personnel of the naval administration, the dismissals and deportations which were ordered following the arrival of this vessel were but the immediate result. More important, as subsequent events disclosed, was the swelling discontent of the native Samoans with the naval administration. It rose to a determination to have a change, which found expression in the formation of the Mau, an organization of protest, and caught the sympathetic ear of white men in Hawaii.

There were many influences at work during this period, the eventual result of them all being the arrival in Pago Pago Harbor early on the morning of Friday, September 26, 1930, of another warship, the light cruiser *Omaha*, commanded by Capt. John Downes.

The *Omaha* came in consequence of the adoption by Congress on February 20, 1929, of a resolution accepting the cession of the islands of Tutuila and Manua and creating a commission to recommend an organic act for the government of American Samoa.

Since 1900 Congress, other than appropriating the funds to the Navy Department, under which the administration of American

Samoa had been conducted, had given little thought and less attention to America's main South Sea possession.

Fifteen degrees below the Equator, more than 2,000 miles from Honolulu and 7,000 miles from the seat of government at Washington, the 10,000 Polynesian people of American Samoa had continued to gather their copra and live in primitive simplicity under the complete control of the naval administration. The islands had been governed as a naval station. In native affairs there was no appeal from the authority of the naval governor. In executive, legislative, and judicial decisions his word was absolute. The governmental life of American Samoa, so far as it concerned the Samoan people, not only began but ended within the geographical limits of the 60 square miles of jagged, densely overgrown islands which were forced above the level of the Pacific Ocean by volcanic action centuries ago.

The task of the commission was that of ascertaining the results of the administration of this isolated possession by the Navy Department, what changes the people desired, and how they could best be brought about.

Senator Hiram Bingham, of Connecticut, chairman of the Senate Committee on Territories and Insular Affairs, served as chairman of the commission.

Others on the commission were:

Senator Joseph T. Robinson, of Arkansas, Democrat, the leader of his party in the Senate.

Representative Carroll L. Beedy, of Maine, Republican, member of the Committee on Insular Affairs.

Representative Guinn Williams, of Texas, Democrat, member of the Committee on Insular Affairs.

Upon arrival in Pago Pago these four members were joined by three native chiefs who had been appointed to the commission by President Calvin Coolidge. They were:

High Chief Mauga, district governor of the eastern district of Tutuila, American Samoa, and one of the chiefs who signed the original document under which the island of Tutuila had been ceded to the United States.

High Chief Tufele, district governor of the Manua district.

Chief Magalei, from the western district, who was counted a representative of the Mau.

Congressional members of the commission began their inquiry into the Samoan problem, prior to being joined by the native chiefs, in daily meetings on the *Omaha* while en route from San Pedro to Pago Pago.

At these meetings was Capt. W. R. Furlong, chief of the office of island governments of the Navy Department. The administration of American Samoa, the Virgin Islands, and Guam falls under this office.

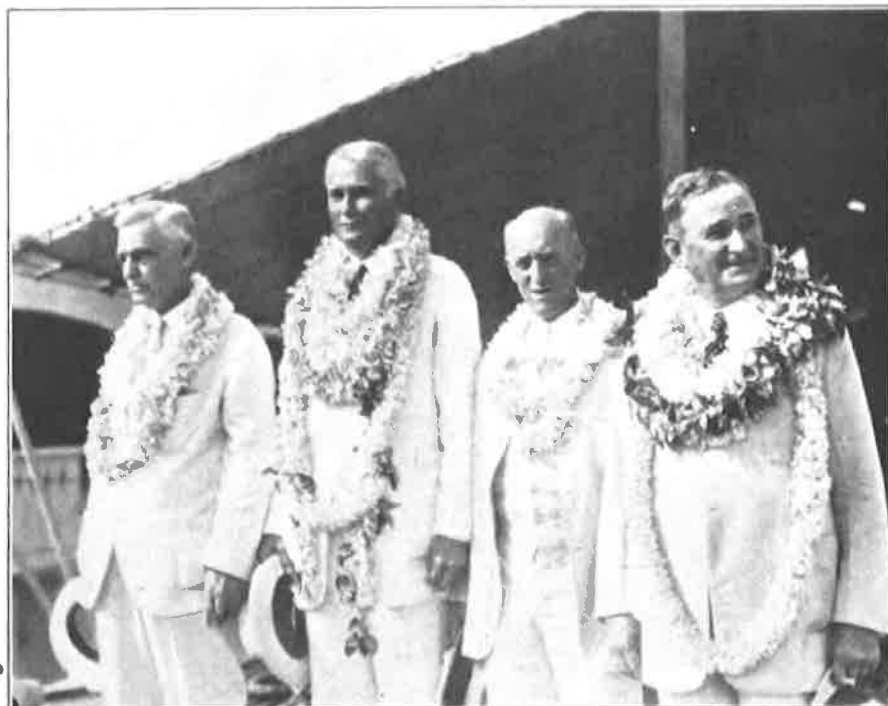
As the officer in charge, Captain Furlong, had at his command all available information regarding the prevailing administration of American Samoa, but his presence meant, too, that the naval point of view was constantly and efficiently represented. Thus the naval administration always had a defender.

At the same time Captain Furlong was in the position of naval aide to the commission and had been designated by the President





A ROAD ON TUTUILA AND A WALL OF NATIVE MASONRY -LIME SECURED  
FROM CORAL



**AMERICAN MEMBERS OF THE COMMISSION DECORATED WITH LEIS ON ARRIVAL  
AT HONOLULU**

Representative Guion Williams; Senator Hiram Bingham, Chairman; Representative Carroll L. Beedy; and Senator Joseph T. Robinson



**COMMISSION RETURNS ON BOARD "OMAHA" AFTER CALLING ON GOVERNOR  
JUDD AT HONOLULU**



as its disbursing officer. He also served as liaison officer between the commission and the command of the ship.

For the study of the commission this officer assembled documents important in the history of American Samoa; a complete record of its government, its personnel and their functions, its costs of operation and the laws under which it was administered; recommendations sent to the President and to the Navy Department by individuals who had interested themselves in Samoan affairs; the draft of a proposed organic act drawn up by a board consisting of former governors, Henry F. Bryan and Edward S. Kellogg, and Judge H. P. Wood, the secretary of native affairs; and drafts of three other organic acts prepared individually by former Gov. Stephen V. Graham, Gov. Gatewood S. Lincoln, and by Captain Furlong.

The library of the commission also included what had been written about the Samoan people by Commodore Charles Wilkes, Robert Louis Stevenson, and in current publications by individuals interested in Samoa.

With the departure of the *Omaha* from San Pedro, on September 11, the commissioners, in meetings each morning and reading each afternoon, attempted to absorb as much information as possible.

Although some members of the commission were visited by Samoans who were residents of the Pacific coast prior to the departure of the commission from San Pedro, formal testimony was not taken until the commissioners arrived in Honolulu.

#### HONOLULU

At about 8 o'clock on the morning of September 17, a bright, hot day, the *Omaha* was welcomed to Honolulu with the music, flowers, and friendliness characteristic of the Hawaiians. The coming of the *Omaha* was considered an event of importance and general public interest; first, because of the lively interest in the Samoan problem of prominent men of Honolulu; second, because between 200 and 300 Samoans were residents of the community; and, third, because Senator Bingham was born in Honolulu and is affectionately referred to by the people of the territory as "Hawaii's Senator."

Besides, Honolulu's nature was to be cordial to visitors. Welcoming ships was a ceremony which the people of the city enjoyed and practiced with the same sentiment that the successful conclusion of long and arduous voyages by sailing vessels stirred a generation ago. The Royal Hawaiian Band, an organization maintained by the municipal government, extended its greeting in Hawaiian tunes as the *Omaha* was moored to the dock. As a gesture of their appreciation members of the commission later draped on the necks of the bandsmen many of the flower wreaths, called "leis" in Hawaii, which were brought to them by friends and officials who greeted them. The latter included representatives of the territorial government, civic organizations, and the Army and Navy; many friends, prominent local politicians being among them, hurried aboard the *Omaha* as soon as her gangplank was lowered to place leis about the necks of the visitors—leis of many flowers—plumaria, the sweet-scented yellow ginger, red roses, pink carnations, and others abounding in the islands.

The commission was joined in Honolulu by Albert F. Judd, an attorney of that city, who had previously been appointed legal advisor. Mr. Judd was president of the Bishop Museum and had been actively identified in the efforts to bring about a modification of the Samoan Government. He was a boyhood friend of Senator Bingham.

The first morning in Honolulu was devoted to official calls. In the afternoon the commission visited Bishop Museum and heard a talk on Samoan customs and culture by Dr. P. H. Buck, who, following extensive research in the Samoan Islands, had recently completed an important book entitled "Samoan Material Culture." Copies of this book were given members of the commission by trustees of the museum.

In March, 1929, Herbert E. Gregory, chairman of the committee on Pacific investigations of the National Research Council, invited the commission to take advantage of the facilities of the Bishop Museum, of which he was director. Ethnologists of that museum had made several trips to Samoa, and one of the objects of the hearings in Honolulu was to obtain their testimony.

On the morning of September 17 public hearings were begun in the Territorial office building in Honolulu. Between 30 and 40 persons were able to crowd into the room to hear the testimony. A large part of them were Samoans.

At noon of that day the members of the commission were guests of honor at a community luncheon on the roof garden of the Alexander Young Hotel in Honolulu. They were welcomed by Gov. Lawrence M. Judd. The program included Hawaiian songs by native girls and the Royal Hawaiian Band and talks by Senators Bingham and Robinson.

On the two succeeding mornings the commissioners heard widely varying points of view on the Samoan problem. The hearings brought before the commissioners Bruce Cartwright, associate in ethnology of the Bishop Museum, and L. A. Thurston, publisher of the Honolulu Advertiser, of Honolulu, two white men who had visited Samoa on scientific expeditions. Both men were in sympathy with natives opposing the naval administration. Their suggestions, rather than being specific, were that the commission direct its inquiry into means of providing the Samoans greater opportunities for development by modifying existing land laws under which control is communal under the heads of families and is confined exclusively to full-blooded Samoans.

Dr. E. S. Handy, ethnologist of the Bishop Museum, pointed out that the Polynesians were not properly described as a "pure race," being a mixture of Mongoloid and Caucasoid elements, and that discrimination between full-blooded and part-blooded Samoans was unsound. On the other hand, he strongly defended such steps as had been taken to preserve native customs and urged that barriers be raised against the intrusion of white traders and tourists.

Opposition to the naval administration was voiced by three Samoans, the first of whom, K. Su'a, had been a resident of Honolulu for several years. Su'a was followed by a young Samoan, Nelson Tuitele, employed by Theo. H. Davies & Co., a large firm in Hono-



TUTUILA VIEWED FROM EASTERN END



HARBOR OF PAGO PAGO SHOWING CRUISER "OMAHA" AND NAVAL STATION

7



ENTRANCE TO THE HARBOR OF PAGO PAGO



NAVAL STATION AT PAGO PAGO AND SEAT OF GOVERNMENT

8

lulu, as a statistician and accountant, who appeared for the Samoan Civic Club, an organization of about 30 Samoans in Honolulu.

He had drafted a plan for a civilian government for Samoa. In this he had had the assistance of Arthur Greene, a newspaper man of Honolulu who was deported from Samoa by the naval administration in 1920 following a naval inquiry into sources of opposition to the naval government. Mrs. Greene, a member of a prominent part-Samoan family, was present at the hearings. The witness included in his plans a budget covering the cost of government which led to sharp cross-examination by Senator Robinson, developing the thought that the Samoan people were paying and were able to pay only a small share of the cost of their government, the major portion being paid by the Federal Government.

Spirited criticism of certain incidents of the naval administration came from a youthful Samoan named Napoleon Samoa Tuiteleleapaga who was in Honolulu studying at the Territorial normal school and the University of Hawaii. He objected to the supreme authority of the naval governor but asked that native customs, excepting death feasts which were a heavy drain on family resources, be perpetuated.

The commission heard also of the case of a Samoan who had served in the Navy for more than 16 years and subsequently was admitted to the naval reserve but whose application for a position in the civil service was denied because he was classified as an "alien."

#### THE TRIP SOUTH

With these suggestions, which were to figure in the deliberations later in Samoa, the commission left Honolulu on the *Omaha* Saturday afternoon, September 20. On the trip to the south they were joined by Mr. Judd in the capacity of legal advisor; William S. Chillingworth as reporter; Reuel S. Moore, representing the United Press; and J. R. Farrington, managing editor of the *Star-Bulletin* of Honolulu, who represented the Associated Press. Merl LaVoy, representing the Pathé News, had joined the *Omaha* at San Pedro.

The trip south gave the commissioners further opportunity to prepare for work on Samoan soil. At 9 o'clock Sunday morning the commissioners, with Mr. Judd and Captain Furlong, went into executive session. Mr. Judd explained to the commissioners how Samoan customs operated not only in the government but in the economic and social life of the people.

On the following day the commissioners undertook a discussion of some of the problems which related directly to the future government of the Samoan people. Among the first of these was American citizenship. The hearings in Honolulu had developed some of the injustices resulting from the status of the Samoans regarding citizenship. They were neither citizens of Samoa nor citizens of the United States. There were no laws, rules, or regulations defining their status in the Nation.

The commissioners then turned to the problem of drafting a bill of rights for the Samoans. It was agreed on the basis of the information available at this point that to extend all the provisions of the Constitution to American Samoa would upset customs which had been in practice for years. Notable among these was the right



of trial by jury. The Samoan practice for generations had been to bring offenders to trial before chiefs. To adopt the American system in the face of this custom and in the absence of any experience or conception of the American system of trial by jury appeared to be extremely unwise.

The commissioners, however, reserved all decisions until being joined by the Samoan members in Pago Pago. Nevertheless, it was subsequently found that they were correct in this conclusion. Of all the many witnesses who testified in Samoa not one asked for trial by jury; those who spoke of the judicial system expressed satisfaction with "trial by chiefs," but asked that an appeal from the decisions of the highest court in Samoa be allowed.

Consideration of a bill of rights was continued on the following day. The commissioners took the first eight amendments to the Constitution and studied them with relation to the possibility of incorporating them in a bill of rights for the Samoans. A tentative draft of a bill of rights was brought up for discussion.

"We shall reach no conclusion now," Senator Bingham announced. "We shall ask the Samoan members of the commission for their suggestions first. Then we will offer ours. We are not going to Samoa with a platform in our pockets with orders to sign."

On this point of view Senator Robinson, who brought a highly trained legal mind to the commission, was especially insistent. This was his first visit to Samoa. Of the congressional party only Senator Bingham had visited the islands before. Senator Robinson wanted to hear from the Samoans themselves before reaching conclusions. His searching cross-examinations on many occasions vexed more than one witness but adroitly unfolded information and points of view valuable to the commission.

As the *Omaha* approached the Equator that afternoon the commissioners, together with members of the crew, surrendered their interest in Samoa to pay homage to King Neptune in ceremonies which continued until noon the next day.

On the day following the commissioners turned once more to their study of the Samoan problem. In executive session on Thursday morning they directed their inquiry into some of the charges against the naval administration of Samoa, brought by people on the mainland in letters to officials of the Navy Department, to the commission, and in magazine articles. Many of them showed only the most remote conception of the Samoan problem and many contained misstatements, such as the allegation that the Samoans were deprived of the benefit of wharf and harbor fees. Senator Bingham announced that records showed all funds received from these sources and customs revenues were used directly for the Samoan people.

Senator Bingham announced at this point that inquiry had convinced him there was no truth to the charges that the Navy was destroying Samoan customs. On the contrary, he said, the Navy had set up rigid barriers against "ambitious white men" by restricting ownership of land to the natives, limiting leases to 40 years, and prohibiting white traders from extending credit to natives beyond \$25 under penalty of cancellation of debts where they exceeded this amount.



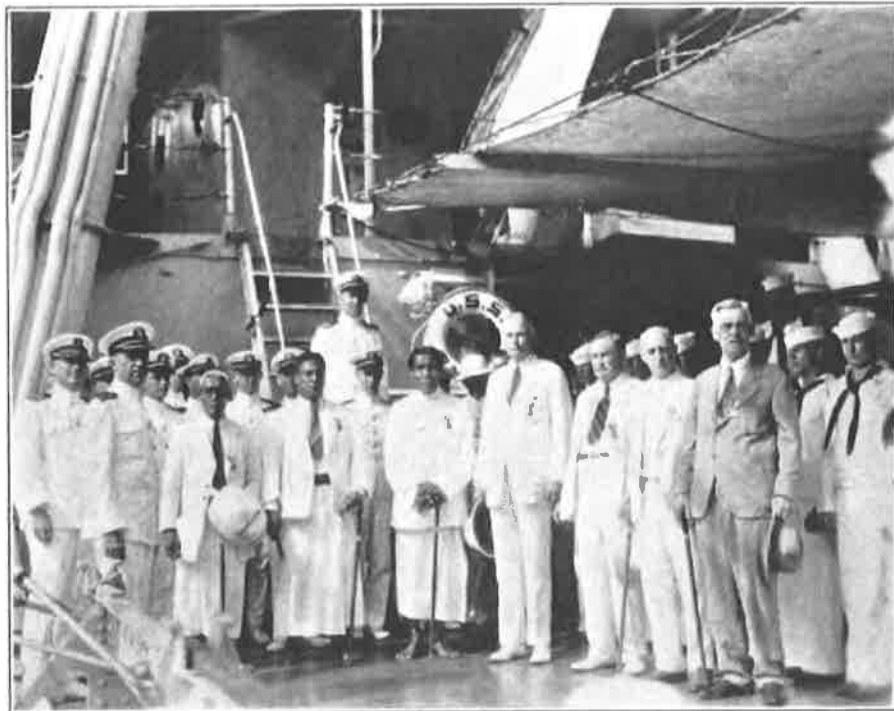
HARBOR OF PAGO PAGO



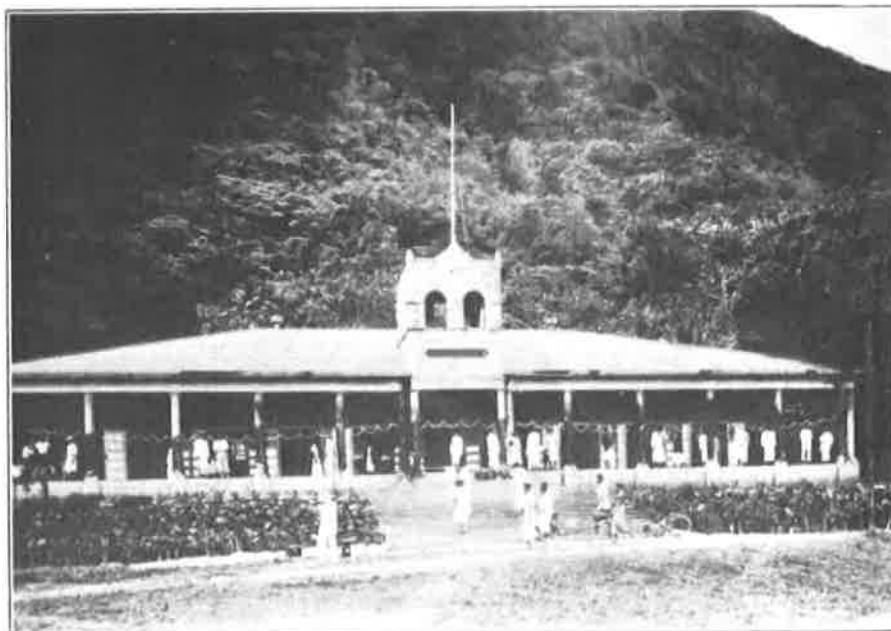
VILLAGES ON A BAY OF TUTUILA

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11



THE SAMOAN AND AMERICAN MEMBERS OF COMMISSION ON BOARD THE  
"OMAHA"



POYER SCHOOL, PAGO PAGO, WHERE MOST OF THE HEARINGS WERE HELD  
BY THE COMMISSION



Thus, a wide field had already been covered by the congressional members of the commission prior to the morning of September 26 when the islands of American Samoa appeared to those on the *Omaha* through a drizzling rain. The commissioners had read all the recent reports of the naval government; studied the costs of the naval administration; read the proceedings of several meetings of the fono, the council of chiefs; heard authorities talk on the customs of the Samoan people; and inquired into charges against the existing system of government.

The program for 11 days in Samoa was complete. Arrangements had been made to hold hearings in all important villages. Close to 75 people, most of them Samoan chiefs, had responded to the general invitation to appear before the commission to offer their suggestions for the future government and to voice any grievances that they might have against the naval administration.

#### PAGO PAGO

By 8 o'clock the *Omaha* had come to anchor in the deep, quiet waters of Pago Pago Harbor. The prevailing wind, a light south-east trade, was from the narrow mouth of the bay. High on the east side of the entrance was the towering bulk of "the rainmaker," whose wide, level top broke the low clouds carrying moisture from the south. The gathering of clouds about this peak foretold frequent showers.

From this point the ridge dropped to lower levels, then rose again to a steep protecting barrier which extended irregularly for several miles to the north, then turned sharply to the south to surround the bay on three sides. On the promontory at the west side of the entrance, facing the winds of the south, was the residence of the governor.

Dense, dark green foliage covered the landscape, made hazy by the morning showers. From the ridge surrounding the bay the land dropped sharply from the clouds to a narrow, level stretch of ground, in some places only wide enough for a road and a few houses at the water's edge.

On the western side of the bay, close to the entrance, was the naval station, the colorless wharf, warehouses, radio towers, oil storage tanks of western civilization, and the well-kept yards of officers' homes, all of uniform frame construction. On the east side Poyer School, a low, concrete structure, once almost white, stood out plainly.

Where were the native homes? Set beneath the coconut trees that rose along the shore line and bravely pushed their tops above the tropical luxuriance, at some points almost halfway up the steep cliffs, were many Samoan houses. Of dried sugarcane leaves, the brown of which blended into dominating green of the picture, they could scarcely be seen. Only here and there a clearing revealed a native habitation. Many others, hemmed in by the dense growth of hot, damp tropical days, were invisible.

The natural restrictions of isolation and limited stretches of arable land were manifest, but from the standpoint of shipping, the bay was one of the most protected against hurricanes in the South Pacific.

Throughout their stay in Samoa the congressional members of the commission made their home on the *Omaha*.

Appearance of the *Omaha* in the harbor brought many native boats alongside carrying the brown people of Samoa, all of them friendly and curious. Some came in dugouts less than 10 feet long and others in long rowboats which carried as many as 24 oars, 12 on each side, and half again as many occupants, men, women, and children. They came with baskets and bundles of native products, tapa cloths, kava bowls, grass skirts, mats, war clubs, model war canoes, and a multitude of other trinkets for trading purposes. Within less than an hour between 25 and 30 of these small craft were gathered about the stern of the *Omaha*, where the exchange of their wares for the white man's clothes continued almost without interruption during the entire visit of the *Omaha*.

The *Omaha*, however, was bent on a more serious mission. At the naval station in the distance the commissioners caught their first glimpse of the Fita Fita guard as it approached the governor's landing on the western side of the bay, marching in quick step behind its band.

The Fita Fita guard is a company of Samoans, the men of which are selected for their physical fitness, and maintained as a regular part of the naval establishment to perform the duties of marines. Its costume is unique in the Navy, consisting of a brimless cap of red cloth about 3 inches high, a Navy regulation undershirt, and a lava lava of black broadcloth around the bottom of which are from two to four red stripes, the number of stripes depending upon service or rank. The feet and legs are bare, according to the wise prevailing custom of the country.

At the foot of the governor's landing the guard came to a halt. Strains of the Star-Spangled Banner resounded across the bay and members of the commission, interested spectators on the bridge deck of the *Omaha*, came to attention.

Shortly afterwards the Samoan chiefs, Mauga (pronounced Maung-a), Tufele, and Magalei (pronounced Mang-alay), came aboard the *Omaha* with two interpreters, George Peters and Crossfield Hunkin. The three chiefs appeared on the main deck of the *Omaha* wearing white linen coats, cotton skirts ("lava lavas"), and barefooted, to join the other members of the commission. Each carried a cane. Only Magalei wore a hat, his headpiece being a large, white pith helmet common in the Tropics.

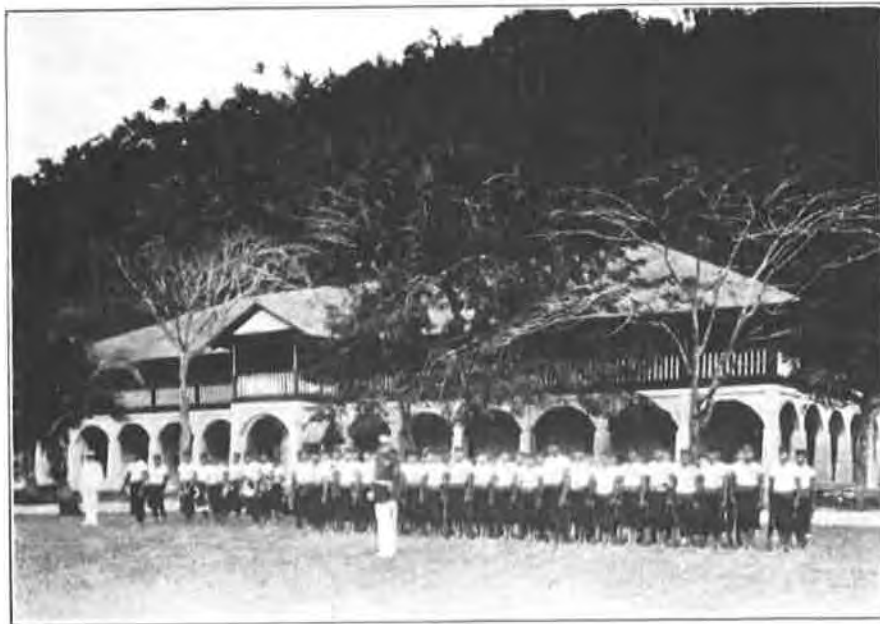
Mauga and Magalei were elderly men of wrinkled countenances, spare of body, solemn and dignified in manner. Tufele was heavy set, young, and vigorous.

Their costume was the accepted dress of the natives. The skirt, or lava lava, was a wide piece of cloth swung about the waist and extending just below the knees. With some variations it is worn by most men, women, and children of the islands. The men at work and in their homes often leave the upper portions of their bodies bare. Occasionally they wear undershirts but rarely hats and shoes, the absence of both shirts and shoes being more suitable to their warm, rainy climate.

The Samoan chiefs were ushered into the admiral's quarters where other members of the commission awaited them. Magalei presented the visiting commissioners with a kava root, an expression of friendship common in the islands.



**SAMOAN WOMEN BRINGING GIFTS OF FINE MATS AND TAPAS TO THE COM-  
MISSION**



**FITA FITA GUARD**

16



16 COMMISSION AT THE GUEST HOUSE OF HIGH CHIEF MAUGA

With a thought to the significance which the Samoans attached to this event, the organization of the commission was attended with considerable ceremony. Senator Bingham presented each member with an appropriate medal, struck off in the United States mint. His suggestion that it be worn whenever the commission was on duty was faithfully followed. Each commissioner received also, as an additional badge of his position, a Malacca cane on which was a silver band bearing the words "American Samoan Commission, 1930." In Samoa it is the custom for nearly all chiefs to carry canes.

Mr. Judd read the act of Congress approved February 20, 1929, which accepted the cession of the islands and authorized the appointment of the commission. Senator Bingham carefully explained the work of the congressional members of the commission up to that point. He then, declaring that all decisions had been reserved for final action by the full commission, asked for the approval of the appointment of Mr. Judd as legal advisor.

Chiefs Tufele and Magalei assented but Mauga objected. He said that Mr. Judd had been in correspondence with the Mau and in a low, quiet voice expressed the opinion that a legal adviser was unnecessary.

"The Lord in heaven will be the advisor for the commission," he said, but added that in as far as the other two chiefs agreed to the appointment, he, too, would agree. He expressed the hope that Mr. Judd would perform his duty without partiality.

Rising "to a point of personal privilege," Mr. Judd denied that he had been in correspondence with the Mau, with whose activities Mauga was not in sympathy.

Magalei, a member of the Mau, responded that this was true and that no correspondence had passed between Mr. Judd and the Mau.

Senator Bingham then undertook to explain in detail the reasons for the selection of Mr. Judd. He said that his grandfather and Mr. Judd's grandfather had lived near each other and had been among the first missionaries to Hawaii; that their fathers were friends, his father going to the Gilbert Islands as a missionary and Mr. Judd's father becoming chief justice of Hawaii, and that Mr. Judd's interest in seeing that justice be done the Samoans had been so great and his insistence that steps be taken so strong that he, Senator Bingham, had introduced in the Senate the resolution creating the commission then in Samoa.

As Mr. Judd's grandfather had been legal advisor to the Hawaiians, Senator Bingham said, it was appropriate that the present Mr. Judd should act in a similar capacity to the Samoan commission.

Old Mauga's wrinkled face brightened. He said that he knew then that Mr. Judd was his friend and was perfectly satisfied with the appointment.

With the exception of Tufele, a heavy-set, powerful man of 33 years, who had received his education in the Hilo Boarding School of Hilo, Hawaii, the chiefs did not speak English. The conversation and proceedings, therefore, had to be conducted through the medium of the Samoan language. Three interpreters, George Peters, Alex T. Willis, and George Reid, subsequently sat with the commission at its public hearings, alternately interpreting the testimony and occasionally disputing among themselves the proper translation.



Willis and Reid were both part Samoans who had received their education in other countries, while Peters was a full-blooded Samoan who had been educated in British Samoa. They had been selected as representing different factions to eliminate any charges of partiality or inaccuracy as to their translations.

The Samoan chiefs, having approved the work of the commission thus far, left the "admiral's cabin," each wearing his medal and carrying his cane. Senator Bingham had explained the precedence that was to be followed; the chairman first, then Senator Robinson, Congressman Beedy, Congressman Williams, Mauga, Tufele, and Magalei, and this order was observed throughout the visit to Samoa.

It was the commission's first duty to call on Governor Lincoln. As it left the *Omaha* a salute of 17 guns reverberated through Pago Pago Harbor. The commissioners went ashore in the captain's gig and after being formally received were escorted to the island administration building. A second salute was fired as the commission called on the governor at his office.

With the formalities completed the commission returned to the *Omaha*, where it received a return call from Governor Lincoln and Judge H. P. Wood, secretary of native affairs, who were invited to stay for lunch at noon.

#### HEARINGS AT POYER SCHOOL.

That afternoon the formal hearings were begun at Poyer School, located across the bay from the naval station. Poyer School was named after Commander John M. Poyer, U. S. Navy, who served in Samoa as Governor from 1915 to 1919. It is a small, single-storied structure of concrete, set back about 100 feet from the water's edge and above the road which encircles the bay. It is surrounded by an open veranda and, in addition to the main room, which is about 75 feet in width and 50 feet in depth, has small classrooms on both sides.

On a raised platform at the back of the assembly room and looking out on Pago Pago Bay a long table was arranged with chairs for the seven members of the commission. Senator Bingham sat in the center. Above a blackboard back of Senator Bingham an American flag had been drawn in crayon colors on the white wall and at some distance on either side were pictures of Washington and Lincoln, standard portraits in half tones. High on the left wall was the familiar engraving showing the signing of the Declaration of Independence. On the left wall hung a picture of Woodrow Wilson.

It was here that most of the testimony was heard. The first hearing was attended by about 50 natives, most of them chiefs. The title of chief is not uncommon in American Samoa, but there are degrees in rank. With few exceptions those who testified were at least matais. A matai is the head of a family group, some of which contain as few as 17 and others more than 100 persons, judging from statements of witnesses. In addition to matais were village chiefs, county chiefs, and "talking chiefs."

Of the talking chiefs the commission heard many. Each high chief had his talking chief. They were their spokesmen and literally lived up to their unique titles by doing the talking for their chiefs.

Captain Furlong, short of stature, was less of a problem and straddled the back of a Samoan who thrust an arm under each of the captain's legs and carried him onto the beach while the captain held on to his bearer's neck. Each member of the party was carried ashore by one or two Samoans, depending upon the size and weight of the burden.

The village of Tau, really made up of twin villages, was the realm of Tufele. Tau reposed in a grove of palms which stretched for hundreds of yards along the coral beach. A hard path was terraced off near the water, wide enough for a road. There were, however, no vehicles on Tau. A similar roadway was marked off by a curbing of rocks in rear of the houses. At intervals were holes in the ground in rear of the village where rubbish was burned. Everything was orderly and clean.

Hundreds of men, women, and children greeted the commissioners. The men were bare to the hips, around which were wrapped tapa lava lavas. Many wore strings of seeds, flowers, and shells around their necks. Most of the women, too, were bedecked in their tapa-cloth garments which covered their bodies from their necks to their knees. Their arms and lower legs were bare, as were their feet. Children ran about with lava lavas of cloth around their waists, while smaller tots appeared with nothing on at all.

The primitive, brown throng wandered about under tall, green palms. Above was a blue sky sprinkled contrastingly with fleecy clouds while beyond a bluer sea swished gently along the sandy beach in a shimmering silver surf. Picturesque fales stood on every side. Children played in the shallow water on the reef. Here was a real life picture more enchanting than ever painted by authors' words or artists' brush, too magnificent to be reproduced in any other medium save reality.

Tufele, district governor, walked proudly erect at the head of his people. His leadership and the toil of his own hands had made this village what it was. He had extended the coconut palms further up the mountain side. He was striving to increase his people's property and bring them wealth from bigger copra crops.

The chiefs assembled in a fale for the hearings. Mats were spread over the coral floor, where all sat cross-legged except the commissioners, who were given the courtesy of chairs.

In Tau the people were pretty well satisfied with the naval government. The first witness, a high chief, told the commission that the Samoans understood first that annexation by the United States meant the people would receive American citizenship. Since the people had learned through the commission that this had not yet been granted he asked that the commission recommend to Congress that Samoans be given this status.

Three others reiterated this desire and asked likewise for a representative government, saying they spoke for the entire Manua group.

Another chief brought up the question of old Samoan titles. He asked that Samoans be permitted to retain old chieftain names, mentioning specifically the title of Tuimanua. In 1924 the people of Tau named High Chief Chris T. Young, of Laloaloa, a quarter-white Samoan, Tuimanua, or "King of Manua." Governor Kellogg ordered that Young should not hold this title because under

the American flag there could be no kings. Three days later, to avoid conflict between different factions for the title, Mr. Young was ordered banished from Manua to Pago Pago, where he was obliged to remain in exile until early in 1930, when Governor Lincoln raised the banishment and informed Young he would consider his request for the title if he understood that it would mean nothing in governmental matters, which was agreeable to Young and his people.

Then, in accordance with the Samoan law, Young filed for his title with the secretary of native affairs. However, Tufele and his followers contested the claim, making it necessary to carry the title case to court for trial.

Mr. Young himself appeared to tell his story, but the commissioners refused to hear this testimony since it involved a dispute already in court.

Despite the rivalry between Mr. Young, who was already selected for the title by his followers, and Tufele, who contested it, Mr. Young visited Tufele's house after the hearings and participated in the feast. The two treated each other, apparently, with cordiality. Other Samoans explained it was the custom to forget such controversies when visiting at one another's homes.

The afternoon was spent witnessing a series of dances and entertainments. School children sang and drilled.

Some two dozen boys staged a siva siva which lasted about 30 minutes, during which time their arms, legs, bodies, and heads were constantly active in rhythmic motion. The movements of the entire group were in unison and executed with a staccato characteristic of the Samoan dance.

Pretty girls, clad in skirts of fine mats, with garlands around their necks and in their hair, some of them bare from the waist up, danced in the old Samoan style. Sword dancers provided a variety. One lad kept his knife whirling for 10 minutes, seemingly with the rapidity of an airplane propeller. Not once during that time, in which he executed all the tricks of a skilled drum major with a baton, did the boy drop his knife.

At one time he purposely whirled the blade under Senator Bingham's nose, but so skillful had been his performance that the Senator had full confidence and never blinked an eye.

In the meantime the *Omaha* had been steaming about off shore between Tau Island and the twin islands of Ofu and Olosega, which loomed, mountainous and rugged, across a channel some 8 miles wide.

Two airplanes, piloted by Lieutenant Allison and Lieut. P. H. Tuzo, were catapulted from the deck of the *Omaha* and after circling the islands departed for Pago Pago Harbor, some 60 miles away. They covered the distance in 35 minutes and were believed to have been the first to make the flight.

The natives, most of whom had never seen an airplane before watched with keen interest as the airplanes disappeared high in the blue sky.

The procession of the morning was repeated as the commission and its party proceeded to the landing.

In the meantime the rising tide and wind had created a high surf which broke over the reef. Experienced eyes surveyed the situation and it was decided a boat could safely embark.



me I introduced a resolution which passed the Congress in 1929 which did for Samoa what the original acceptance of the cession of Hawaii did for Hawaii. The words were very much the same.

We accepted the cession of these islands by the chiefs of Tutuila and Manua. We set aside any public lands that may be in Tutuila and Manua for the sake of education in American Samoa. We did not grant American citizenship, but we authorized a commission to come here and study the situation and to recommend to the Congress the necessary laws to establish a permanent government in American Samoa. The Congress passed this resolution and the President signed it. In accordance with that law and by direction of the President we have come here to investigate and to recommend to Congress the necessary organic law for a government, just as the commission appointed under the Hawaiian acceptance of cession had similar duties to perform.

The Mau appeared well organized and presented testimony through three spokesmen. Their testimony was coherent and constructive and stood out as representing apparently the only organized effort before the commission.

Chief Fanene, a heavy-set man, strikingly handsome, was the first speaker. He spoke with deep emotion as he said that he represented 6,000 Samoans. The Stars and Stripes had proved a blessing to the Samoan people, he said.

"We have achieved one of our objectives in annexation, and now we desire citizenship," he declared.

Chief Lui, of Vaitogi, was next on the witness stand.

The people of Samoa were happy, Lui said, until Lieut. Commander C. H. Boucher, United States Navy, came about a decade before and told them that American Samoa was not annexed to the United States and that they were not American citizens. After the American flag was raised in 1900 the people thought they were American citizens.

The statements of Boucher and others were enlightening, he said, and the Mau was formed to obtain annexation, citizenship, and a representative government. Since the President of the United States had appointed the commission the Mau was satisfied, Lui said.

Chief Galeai, one of the two chairmen of the Mau, Magalei being the other, then appeared to describe the wishes of the Mau.

The Mau, he said, wanted citizenship. It desired that part Samoans of 25 per cent or more Samoan blood be given the right to buy lands and that persons with any percentage of Samoan blood be given the right to inherit lands.

At this point the commission produced a document submitted by the Mau stating that the organization was in favor of a law limiting inheritance of land to persons of at least 25 per cent Samoan blood, offering a slight discrepancy with Galeai's testimony.

The document referred to was written by Sam Ripley, of Richmond, Calif., and signed by many chiefs. Galeai testified that the Mau sent Ripley \$1,776 from 1925 to 1928 for use in advancing the cause of the Samoans, and later sent another \$800 to Ripley in 1928 to pay the expenses of himself and Mrs. Ripley, his wife, to Samoa so they might testify before the commission.

It was brought out that the discrepancy was due to the round-about way in which the paper had been drawn up for the commission. Samoans wrote a number of letters to Ripley, all of which outlined their desires, and Ripley then drew up the document which was submitted to the commission. A copy was sent to the Mau.

A translation was made in Samoan for the benefit of persons signing the document.

Galeai told how each committeeman was responsible for the signatures in his respective village and that Samoans signing the document were supposed to have first read the translation.

The paper also stated that the Mau was in favor of a law limiting the amount of money which persons might pay churches to 10 per cent of their incomes.

The commission questioned Galeai, who said that this was the belief of the Mau. Senator Bingham said that in American Government it was not the custom to limit a person in his contribution to such causes. He asked Galeai whether he knew the story from the Bible of the widow's mite. She gave her all and was blessed, Bingham recalled.

"Yes," replied Galeai, "But she gave of her own free will."

"The Samoan," he continued, "seeks to outgive his neighbor, with the result that the poor man pays more than he is able."

Again there was the Samoan feast for the commissioners, followed by entertainment.

The feature of this was a singing contest between four groups of about 30 voices each. The singers were dressed in tapa lava lavas. The Samoans, naturally musical, were at their best, and each group performed so well that Senator Bingham, who was to award prizes to the winner, decided to call it a draw all around. As a result, each group was given \$10 by the commission.

In the Samoan custom gifts of tapa cloth, fine mats, coconuts, and beads were presented to the members of the commission.

A group of Boy Scouts staged a drill, after which one boy recited the scout law and another the scout oath.

Chief Tuitele, district governor of the western district, told an allegorical story of how first the Samoans were fed by the gods of the sea. Then, when they needed more food, they were fed by the gods of the land, who gave them fruits and vegetables.

The comparison, as drawn by this chief, showed how, first the Navy government of the United States came like the gods of the sea. The time was at hand, Tuitele continued, when Samoans needed a new government—civilian government.

Senator Bingham replied, thanking the chief for his remarks, and stating that he, personally, would do all in his power to persuade Congress to grant American Samoans American citizenship.

It was the first definite pronouncement from the commission, indicating the trend of the members' thoughts, and was received with gratification by the chiefs.

#### HEARINGS CLOSE

Saturday, October 4, the commission moved back to Poyer School at Pago Pago to complete their hearings.

Mr. Willis, the interpreter whose remarks were previously interrupted because of lack of time, continued. He said that chiefs working under government pay always tried to please the governor so they would not be discharged, and that often the governor was not informed of the real wishes of the people.

## **EXHIBIT 5**

# AMERICAN SAMOA

## HEARINGS

**BEFORE**

**THE COMMISSION APPOINTED BY THE  
PRESIDENT OF THE UNITED STATES**

**IN ACCORDANCE WITH**

**PUBLIC RESOLUTION No. 89, 70th CONGRESS**

**AND**

**PUBLIC RESOLUTION No. 8, 71st CONGRESS**

## 1930

*U.S. American Samoa Commission*

# AMERICAN SAMOA

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## HEARINGS

BEFORE

### THE COMMISSION APPOINTED BY THE PRESIDENT OF THE UNITED STATES

IN ACCORDANCE WITH

PUBLIC RESOLUTION No. 89, 70th CONGRESS

A resolution accepting the cession of certain islands of the Samoan  
group and providing for a commission to recommend to  
Congress legislation concerning those islands

AND PUBLIC RESOLUTION No. 3, 71st CONGRESS

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SEPTEMBER 18, 19, 20, 1930—AT HONOLULU

SEPTEMBER 26, 27, 29, 30, OCTOBER 1, 2, 3, 4, 1930—IN AMERICAN SAMOA



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
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1930

#### AMERICAN SAMOAN COMMISSION

**HIRAM BINGHAM**, Senator, Connecticut, *Chairman*.

**JOE T. ROBINSON**, Senator, Arkansas.

**CARROLL L. BEEDY**, Representative, Maine.

**GUINN WILLIAMS**, Representative, Texas.

**HIGH CHIEF MAUGA**, District Governor, Eastern District, American Samoa.

**HIGH CHIEF TUFELE**, District Governor, Manua District, American Samoa.

**CHIEF MAGALEI**, Tutuila, American Samoa.

II

## AMERICAN SAMOA

### FOREWORD

The American Samoan Commission created by act of Congress, Public Resolution No. 89, Seventieth Congress, approved by the President on February 20, 1929, as amended by act of Congress, Public Resolution No. 3, Seventy-first Congress, approved by the President May 22, 1929, embarked on the U. S. S. *Omaha* at San Pedro, Calif., September 11, 1930.

The U. S. S. *Omaha* arrived at Honolulu, Hawaii, September 17, 1930. Public hearings were held in Honolulu on September 18, 19, and 20. The *Omaha* left Honolulu for Pago Pago, Tutuila, American Samoa, on the afternoon of September 20, 1930.

The *Omaha* arrived at Pago Pago, Tutuila, American Samoa, on the morning of September 26, 1930.

Public hearings in American Samoa were held at Poyer School, Pago Pago, Tutuila, on September 26, 27, and 30 and October 1 and 4; at Leone, Tutuila, on September 29; at Tau, Manua, on October 2; and at Nu'u'uli, Tutuila, on October 3.

The *Omaha* left Pago Pago, Samoa, on October 7 and arrived at Honolulu, Hawaii, on October 13 and departed on October 14.

The *Omaha* arrived at San Pedro, Calif., on October 19, when the commission disembarked.



THURSDAY, SEPTEMBER 18, 1930

AMERICAN SAMOAN COMMISSION,  
*Honolulu, Hawaii.*

Chairman BINGHAM. Pursuant to an act of Congress, the President appointed a commission, consisting of four Members of Congress and three Samoan chiefs, to investigate conditions in Samoa and to make recommendations for legislation to be passed by the Congress of the United States.

It is the desire of the commission to hear all persons who have constructive suggestions to make, as well as those who have fault to find with the present government.

The act establishing the commission to expedite the annexation of the islands was passed nearly two years ago and was due in part to the great interest in conditions in Samoa shown by three citizens of Honolulu—Mr. Albert F. Judd, Mr. Lorrin A. Thurston, and Mr. Bruce Cartwright—who corresponded with various Members of Congress in regard to the necessity of this legislation.

The commission has appointed Mr. Albert F. Judd its legal advisor, and he will accompany us to Samoa.

The commission has extended cordial invitations to Mr. Thurston and to Mr. Cartwright to present their views to the commission this morning. I understand that Mr. Thurston is not well and is unable to be present; accordingly, the first witness to be called is Mr. Bruce Cartwright.

STATEMENT OF BRUCE CARTWRIGHT

Chairman BINGHAM. Is there any statement you would like to make to the commission, further than the letters and documents which you have sent us?

Mr. CARTWRIGHT. No, sir.

Chairman BINGHAM. One of the most difficult problems with which we are confronted is the question of land laws. There has been a considerable degree of complaint regarding the present situation in regard to the ownership of land. According to the laws at present, the residents of Samoa who are of pure Samoan blood are on a different status from those residents of Samoa who are of part Samoan blood. From your knowledge of conditions in Samoa and of the people, what would you advise the commission in regard to any change to be made in the land laws?

Mr. CARTWRIGHT. Mr. Chairman, I do not believe that fee-simple title should be given to the residents of Samoa. I think the land laws should remain practically the same as they are under the naval government. The Polynesian does not look at land the same as private land. The reason for that is the territory is not very extensive and if private ownership was given to Polynesians, there wouldn't have been enough land to live on. They now look upon



with that. Another governor comes and issues an order not to allow them to marry Samoan girls. The people of Samoa are glad of that. Why don't the Navy governor issue an order, which, I think, was brought up in another meeting—that a sailor should not be allowed to marry unless he writes a written statement swearing before the court that after the marriage, “at the expiration of my time I will take her to the States.” The people of Samoa want the governor to take up that matter, but the governor seems to ignore the Samoan people.

Another thing—one of the most displeasing things the Navy governor did was back in 1921, and I think the people, if they have power and receive a vote, they will do it. They were so enraged with the thing the governor did. This thing here I wouldn't say it if I didn't know it. I was stenographer of the court, and I was keeping the testimony and I seen the things. The chiefs were brought before the court. They didn't do anything at all.

Chairman BINGHAM. The chiefs or matais?

Mr. TUITELELEPAGA. High chiefs. These high chiefs they didn't do anything, they didn't commit any crime but just part of the Mau, people in favor of civil government. The governor tried them before the court and they were put in jail without consulting with the Fono. One of the chiefs who is “Lewalewa” was tried for the same cause and when this chief heard the verdict of the court he stood up and said “Nobody in this world will take my title away from me. The governor has no power to take my title.” He didn't do anything to the government. The judge turned to me and said “issue a bench warrant. I am going to try him for contempt of court.” I issued the bench warrant and he was tried. The sentence was three extra years just for that.

Chairman BINGHAM. Three extra years in jail?

Mr. TUITELELEPAGA. Yes. After the trial of the case the young men who were related to this chief they were so mad, if they could do anything to the government they would rush in and fight.

Senator ROBINSON. What was the total sentence?

Mr. TUITELELEPAGA. Senator Robinson, I don't want to tell you something I am not sure of but I think the chiefs were sent to jail for 15 to 20 years and then this chief was sent to jail for 3 years extra.

Senator ROBINSON. Who was the governor then?

Mr. TUITELELEPAGA. In 1921?

Senator ROBINSON. Governor Evans?

Mr. TUITELELEPAGA. Governor Evans—that was the governor. About the tendency of the naval government toward the Samoan people, the commission would please understand the Samoan people. We will always appreciate all the good things the Government gave us down there, such as dispensaries and facilitating travel between the islands; the helpful attitude of the Navy government to the people to go to the shows free; allowing the children to get education and other evidences of good government which the American people has shown to the Samoans. I worked with the Government for three years and I know the governor down there was doing his best for the Samoan people and other people. The cashier of the bank, the superintendent of public works and these other different department heads were trying their best, travelling around the place and helping the Samoan people. I don't want to depreciate what the Navy has

done for the people. But I have stated what I have seen with my own eyes and I think the people were greatly offended with such practices by the Navy government.

About this question that was brought up by the commission many times about the half-caste. From the other Samoan people I consulted with in Samoa and the other half-castes which I have talked to, I have come to the conclusion that it would be very foolish practice to have any difference between the half-caste and the Samoan because there are some half-castes in my own place and lots of them near Leone. They render service to the chiefs. They do everything in their utmost power to help their people. I never heard any half-caste say "we don't want to mix with the Samoan people." I never heard of a remark like that in my life. I noticed with my own eyes that they tried to help the Samoan people. They know that they have Samoan blood in them and I think that is a very poor practice in trying to have any distinction between Samoan people and half-castes. Of course, in other ways there are some half-castes in Samoa whose fathers are real white people but the mothers are not full-blooded Samoan—half white and half Samoan. Those kind of people the Samoan people don't look on them as Samoans because of their white-clored mother,—not full-blooded Samoan. But the other half-caste Samoans who have full-blooded mothers, they are considered Samoans. Some of them are on the council of the village. Ned Ripley is one of the most powerful men in the village of Leone. They go to him and ask his opinion. They know, regardless of his white blood, that he is a Samoan. He would do anything that the Samoan people do. He goes to work—he does everything the full-blooded Samoans do. That made me come to the conclusion that the commission should try to get the people of Samoa to get the idea out of their heads the distinction between the Samoan people and the half-castes. Some of the half-castes are in Honolulu here now. They look upon the Samoan, even though they have half-blood Samoan, they look upon the Samoan as low class. Whether they want to be Samoan of higher class I don't know. They don't want to talk to us. On this kind of a point I have no opinion against them. They are either ignorant or they don't realize the social affairs of the old Samoa. If they act like that in Samoa, the people will do their best to exclude them from Samoan affairs. So, I say there should be no distinction between half-castes and Samoans.

About lands—transferring of lands between Samoans and half-castes and white people: As I was keeping the records of all transfers of lands when I was working in the office of the registrar of titles, I know practically everything about land affairs in American Samoa. I think the best thing for the commission to do is to try to enact a law forbidding or not allowing the white people to own land or to buy lands of the Samoan people. Of my suggestion I'll tell you why. The Samoan people sometimes they got no education. They don't realize things and they get into trouble. They need money every time. In the time of trouble they want some money. If a white man step in and say, "Mister, I know you are in trouble; will you sell me your land for \$500 or \$600," those Samoans, not knowing of acres or anything, will say, "I'll sell it to you for \$600," and those Samoans as soon as they receive the money will spend it in two weeks and at the end of the time they are sorry—they lost

their money and their land. The family says, "What you do that for?" and they say, "We know very well you are hiding—why didn't you consult us? Why didn't you consult us? But no, you do this and that." That's the trouble with Samoans. The chiefs, thinking they are selling, realize they don't consult with the members of the family. Only two years ago the secretary of native affairs enforce them and told them they can't dispose of family lands unless he consults with the members of his family and writes to the governor of American Samoa stating that all the members give their consent to those affairs then he can go out and do it.

It is very poor practice to allow these white men to buy land from the Samoan people. If they do that, in 10 years time we will own no more lands. For instance, I am not ashamed to tell this: My own father tried to sell one of our lands for \$150 just last month because I sent a letter to him to try and give me some money to help my education. He went to the people and offered to sell this big piece of land of ours for \$150. When he sent me a letter what he was doing, I said "regardless of your financial condition, don't try and do it because later you will repent." So I request the commission to arrange something to prohibit the Samoans from selling the lands to the white people. On the other hand, they can lease those lands to the white people, say, depending on the kind of business, for 10 years or 20 years or 30 years. If the people do that, they won't lose control of their land but the Samoan people still own the land. They earn money from leasing the land and in American Samoa a lot of leaseholders are there now. That is my conclusion about their lands. Regarding ownership by the half-castes: This man I referred to, Mr. Ned Ripley, he owns lots of lands. He owns many lands because he is regarded as a Samoan. I never heard Samoans in Samoa mention Ned Ripley as a half-caste. He is a half-caste; but on the other hand there is another half-caste in Samoa, Frank Pritchard. This man in 1929 came into the office of the secretary of native affairs requesting the purchase of a piece of land from a special Samoan which the secretary of native affairs smartly refused. He said: "We can't do that unless your wife is full-blooded Samoan and we can register the land under her name and not under yours." The land was purchased and after a decision between Mr. Pritchard and another man the land is now registered under the name of his wife. To help the commission, I'll mention the name of Sau—Mrs. Sau Pritchard under whose name the land is registered, because she is a full-blooded Samoan.

One thing which I found out from experience and study that insulted the Samoan people greatly is the titles, the Matai names. The Governor of American Samoa is trying and is now settling all the Matai name cases. I'll say a few words to make it a little brighter to you. Say for instance, if Mr. Judd and I are brothers and the last holder of the name is Mr. Johnson. He died without a will. My brother, Mr. Judd, will go in immediately to the office of the secretary of native affairs and orders to register the land under his own name, put in an application. I myself, even though he is my brother, I apply for a register title to the same land; the other members of the family would do the same thing and then the court would set a special date for the trial of the case. When the case comes up for trial they will hear Mr. Judd first. He will tell



his family story, tracing back to great grandfathers. Whether he is telling a lie or not, I don't know. I step in, regardless of whether he is telling the truth or not and try to tell the court a lie and others of the family do the same thing. At the end of the case, which I did myself in transcribing the cases, handed it in to the judge. No jury settles the case—just him and two associate judges decide the case. If I am not mistaken, there is a paragraph in the codification of the rules and regulations of American Samoa, in case of disagreement in the opinion of the three judges, the will of the American judge must be preserved. What's the use of the two district judges? Even though they know more than the American judge about the Samoan affairs, why don't they preserve their judgment because they know more than this man. They hear the testimony of the witnesses in their own language and the American judge gets the testimony through the interpreters. After that, regardless of what they say, thinking he has more education, they send it to the governor and the governor will sign it. The decision will be read and the court finds out that "Mr. Judd has more right to the name and we are going to award the name to him."

Immediately after that there is a fight between the family, and if Mr. Judd is going to handle all the family affairs he will leave me alone, because nobody will render service. If he says, "You go and get something," I'll tell him, "I won't do it." I won't do anything just because I hate him. Let him handle his own affairs. That happens a lot of times, just because this American judge is not fair in his decisions. He doesn't know about the Samoan trouble. So I think the matter of deciding the titles should be left to the Samoans to handle this, or appoint a jury. Appoint people who know more of Samoan affairs. It made me think of this case. The Government is putting too much power in the hands of one man. It is a 1-man government in Samoa. Too much power in one man. He can order you to jump in the sea and come out. He can do it; who can object to the orders? Nobody. The Samoans have no appeal. So I say the necessary thing is to change. All the governors, the changing of these governors—they come for 18 months—they have no time to learn the disposition or customs or affairs of the Samoan people. Just about the time he learns something the Navy changes him. And then again, they do this: I didn't see this with my own eyes there, but I heard about it—that when Governor Crose was there, when he passed by the street, everyone in the street must salute until he passes. When he learned something of the place, he ordered the people not to salute him any more. If a governor stays there for four years, that man is going to learn Samoan affairs and know them as well as the Samoans, and I think that is another key to the Samoan people. This changing around—like when one governor comes in and allows the people to do certain things and another governor comes around and says don't do this and that, causes a lot of misunderstanding among the people. They try to outdo each other. Regarding the other government affairs I wouldn't mention anything, because Su'a and Nelson Tuitele have given it to you.

I am going to tell you about the Mau trouble. This Mau trouble started in 1920. In 1920 the Mau was ordered out. That was in

1921. The majority of the people, the high chiefs, in fact, were in this Mau people. All the people agreed together to form a kind of club to object to this Navy government. This thing continued until for four or five years and some of the chiefs died. Some of the chiefs themselves who were the head of this Mau they turned away and said "We are in favor of the Navy government." I studied the matter right there because, maybe I studied the matter because I know the matter will be investigated. I asked the chiefs in the Mau about it. I went to the chiefs who changed in favor of the Navy government and asked them "Why did you turn away from the Samoan Mau and in favor of the Navy government?" and some of them said, "Gee, if I don't stick with the Navy government I won't get any job." I mention the names of Mauga, Tuitele, and others—they were in the Samoan Mau. In 1925 or 1926 they immediately returned to the Navy government. I don't care what anybody tells me, I know from the study and experience I had, they are with the Mau themselves because I heard them talking; and because of their attitude toward this trouble and some of the members of their family are in the Mau. The only reason those chiefs are pretending to be in favor of the Navy government is because they are county chiefs, and they want to show the government they are loyal and they know if they should go with the Mau they would lose their titles and jobs. That is my conclusion. If I am wrong, the commission will please pardon me. I don't want to accuse anybody wrongfully. I know the Samoan people are in favor of civil government. I am in favor of civil government, and I will vindicate the rights of my own people if I can do anything. To finish up my statement, I appeal to the commission to give those people what they want. Give them American citizenship. Give them the privilege of other people of the United States. If they don't get it after the investigation of the commission, if the people don't get what they want, the government is going to be messed up. In fact, Washington doesn't care about us.

Here we are 10 years straight we try to do this and that and they don't hear us. So I ask the commission to give a fair decision. Please ask the opinions of different people and try your best to give us American citizenship. Let us, the young Samoans who are far away from here, let us share the privilege and the happiness of the great American people of the United States. I pray that God in his mercy give you the power to come to a just decision and that this commission in its investigations will be guided by the spirit of kindness and benevolence.

Chairman BINGHAM. What is your view as to how the question as to who the proper Matai should be decided? Do you object to having it decided by the American judge? The Samoan witness we heard yesterday, Nelson Tuitele, said that he was in favor of having it decided by a group of chiefs.

Mr. TUTTLELEAPAGA. To reply to that question, I will say this: My idea as to who the holder of the title should be, it should be decided like this: Of all the families of the Samoans consisting of 50 to 200 people—the families branch out—family line and family line and go back to the descendants. They all come in. Say Mr. Judd was holding the title and he just died. Why not all the older people who have the right to his name come together and the oldest one of



the family would say "The holder of the title just died. Let's talk this matter over before we take it up with the Governor. Who do you want to hold the title? Who do you think is capable of holding the title? As the Samoan custom is the male branch will come first, I think our branch will hold the title." The other branch will say "We are going to hold the title."

The other people are going to try to register the title in their names. Twice it happened in my own family and I decided the case myself. Just because they are jealous. They say, "No, I am going to hold the title." That takes about two or three weeks to get a decision—or about a month—and then they finally come to the conclusion "We are willing that Mr. Green is going to hold this title." As a result of that, I assure the commission that for many years they are going to be the happiest family in the world. The men hold the title by the unanimous decision of the family. If the Matai says "You go and kill a man" (of course that is not going to happen), but he says "You go and do so and so," it will be done—the service is rendered. But if the governor says to the Samoan people, "You got to do this?" who is going to take that. Having the governor settle without the members of the family and nobody is happy.

Chairman BINGHAM. You surely would be very fortunate if it were possible, at the end of the month, to persuade the family to be unanimous; but supposing the family declines to agree? Suppose they do as they did in the old days when they went to war to see who would be chief. Suppose the minority of the family objects to the choice of the majority, who is going to decide?

Mr. TUITELELEAPAGA. What I think about that case, because I mention such case to assure you this practice will be taken up. I have never seen yet a Matai name case in Samoa to take about a year or two to decide. Even though there is disagreement in the opinion of the family, they will come in in the course of time and agree with each other. For instance, one Matai name case in Samoa happened just as you say. They could not agree. They brought the matter immediately before the court. When I issued out the summons to the people to appear for trial, the people came in and the judge said "Before we proceed, I would like to ask one question: Do you want to try the case in court or will you come to a decision among yourselves?" He asked that very question and the man said, "We have come to a decision." This case was pending for about three or four years and when it came to the day of the trial the people said, "We have come to unanimous decision of the family and by these rights of the family we appoint this man to hold the title. We know that he is a kind man and straight-forward and he loves the Samoan people." That happened in Samoa. If you go to Samoa, at the time of Judge Foxall, you will find the case. Another case we tried, he talked to the people first and inside of six or seven months the people came in and said they agreed on who should hold the title. If I remember correctly, Judge Foxall tried only one case; and the majority of the cases the people decided their own case. They know what is bad and what is wrong. In the olden days no matter how strong a man is, the man who is kind and the man who knows the family traditions is the one who holds the title. Nowadays tl

Mr. RHOADS. Yes, sir.

Chairman BINGHAM. And Wellington will eventually not have to pay any duty?

Mr. RHOADS. No.

Congressman WILLIAMS. I want to ask you a question. If I understood you correctly, you said the law was that when a party working for the Navy sold any article to the civilian community which had been imported for his own use, it was the duty of the owner to pay it?

Mr. RHOADS. To either pay for it himself or arrange to have it paid off before the completion of the sale.

Congressman WILLIAMS. Then this law does not provide that you can hold the article for duty?

Mr. RHOADS. No, sir.

Congressman WILLIAMS. How do you justify the inconvenience to Wellington by bothering him when recourse was through Frantz?

Mr. RHOADS. As I understand the collection of customs, the only way in which an article can be properly released into any community when it is dutiable is by complete settlement of the customs duty.

Congressman WILLIAMS. That doesn't answer my question, but there is no use taking up further time.

Chairman BINGHAM. The commission will be in recess for lunch.

(Recess was taken for lunch and an adjournment later, without further hearing to-day.)

(Adjourned.)

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THURSDAY, OCTOBER 2, 1930

AMERICAN SAMOAN COMMISSION,  
*Tau, Manua, Samoa.*

Chairman BINGHAM. We are assembled at Tau, Manua, but on account of illness, High Chief Mauga was excused and remained behind at the hospital at Pago Pago, where he was advised to remain by his doctor on account of his age and poor state of health. In accordance with the law and by direction of the President of the United States, acting in accordance with law, this commission has come to Tau to hear whatever you wish to present to us in the way of suggestions regarding the kind of government that you desire to have established in American Samoa. In the first place, we desire to know from those who speak to us on your behalf and on behalf of their families whether they desire any change in the present form of government. If so, what suggestion they would like to make in regard to possible changes in the form of government. In the second place, we desire to know whether they wish the commission to recommend any change in the existing laws, the codification of the regulations and orders for the government of American Samoa. If so, please state the laws to which you object, give your reason for your objections, and state what changes you would like to have made. The third place, if anyone has a grievance or thinks he has not received justice from the government of American Samoa, we would like to have him state his grievance, in order that it may be investigated later. Finally, it should be clearly understood that we have no authority in the commission to change the form of government

or change the laws; we can only recommend changes to the Congress and President. The high chiefs and chiefs of Manua made a cession of their islands—Tau, Olosega, and Ofu—to the United States in 1904. The President instructed the Navy Department to take charge of the islands and give them such government as seemed best to the governor appointed by the Secretary of the Navy.

For nearly 30 years the Navy ruled the islands under the direction of the President without the Congress of the United States, the law-making body, taking any notice of the kind offer of the chiefs. It has not been the custom or the practice of the United States to annex or secure groups of islands as has been the practice of Great Britain and Germany, and it has only been done in two or three cases. By act of Congress we annexed the Hawaiian Islands, the Philippine Islands, the Virgin Islands, and Porto Rico.

After the war with Spain we secured Guam, the Philippines, and Porto Rico as the result of that war; however, although we have possessed as a result of conquest, the Philippine Islands and annexed them for more than 30 years, we have never given to the natives of the Philippine Islands citizenship—they are not American citizens. We annexed Guam but we did not make the people of Guam, of whom there are twenty-five or twenty-six thousand, American citizens. Last year the Congress finally decided that they would accept the Islands of Samoa and they passed an act agreeing to the cession and formerly annexing the Islands of Samoa. In this act the President was authorized to continue to rule Samoa as he had done in the past, until such time as the Congress should pass an organic act. By this same act this commission was created to recommend to the Congress the necessary legislature for American Samoa. The act of Congress, however, did not change any of the laws and did not give American citizenship to any of the people. I have taken this much of the very limited time we have here in order that there may be no misunderstanding of the present situation, or why we are here.

Accordingly I will now ask those whose names have been given to the secretary and legal advisor of the commission to present themselves and give us their ideas in as brief a manner as possible:

1. As to whether they want any change in the form of government.
2. As to whether they want any change in the law.
3. As to whether they have any grievance; and to make it as brief as possible.

Mr. JUDD. Mr. Chairman, I have been given to understand through County Chief Sotoa that the persons who have heretofore signified their intention to appear have agreed that three persons shall represent them, in a written communication.

Chairman BINGHAM. Will the interpreter read the communication?

The INTERPRETER. It is the unanimous decision of the tootoo (talking chiefs) that three witnesses will be sufficient as the representatives of the tootoo to appear before the commission; namely, Sotoa, Taliutafa, and Tauanuu.

High Chief TUFELE. For the commission's information, what he means is just this village and not the whole island.

Chairman BINGHAM. What do you understand to be the meaning of the communication?



High Chief TUFELE. What he means, and he means the whole tootoos.

Senator ROBINSON. Will there be other witnesses besides these three?

High Chief TUFELE. I think so.

Chairman BINGHAM. How many witnesses, all together, do we hear to-day?

High Chief TUFELE. I do not know.

Mr. JUDD. Fifteen, all together, from the Islands of Manua.

Chairman BINGHAM. Call the first witness.

Mr. JUDD. Sotoa.

#### STATEMENT OF CHIEF SOTOA

Chairman BINGHAM. Your name?

Mr. SOTOA. Sotoa.

Chairman BINGHAM. Your residence?

Mr. SOTOA. Tau.

Chairman BINGHAM. Your rank?

Mr. SOTOA. Matai.

Chairman BINGHAM. How many people do you speak for here to-day?

Mr. SOTOA. I represent all the people of my village of Tau.

Chairman BINGHAM. How many is that?

Mr. SOTOA. About six or seven hundred.

Chairman BINGHAM. Have the matters that you are going to present to us been talked over by the local fono?

Mr. SOTOA. There are a special subject in which has been discussed in a Fono of the village in which he is going to testify before the commission and other things is about the government which is also the wish of the people.

Chairman BINGHAM. Very well.

Mr. SOTOA. I wish to thank the honorable commission in telling them the way in which they are going to testify in order to present their wish and testify before the commission. In regard to the well taking care of the country by the ruling of the Navy has been testified by many of the witnesses which already appeared before the commission—I agree with them. Therefore it is not necessary for me to repeat it again. I also wish to thank the Congress of the United States in taking action and passing their resolution in accepting the cession of the islands of Samoa, and that we understand in that annexation that we automatically became American citizens. In past years this country has been run under the control of the Navy until last year when Congress annexed this country and we appreciated very much. And it is requested to the honorable commission to be kindly and make recommendations for the people of American Samoa to become true American citizens.

Although we ceded our islands in past years, again we are unanimously agreed to cede it over again and give the United States the full authority again to control our islands. About a form of government for the people of Samoa, we are perfectly satisfied to leave it to you the Congress of the United States who knows best what would be the best form of government for the people of Samoa. I am going to testify now as to things which we were not satisfied

with under the administration of one governor. That was Governor Kellogg and Judge Hall, who was in Samoa during the administration of Governor Kellogg. This concerns the name or title Tuimanua. That Governor Kellogg had made a decision that the name Tuimanua should not be revived and in which it is contrary to the law. That he interferes with the title Tuimanua and the customs of his tootoos and high chiefs, and he went further and exiled a chief in which we have selected to become Tuimanua, who was Taliutafa.

High Chief TUFELE. For the information of the commission Chris Young is the English name.

Mr. SOTOA. As it was unanimously agreed between myself and the chiefs and tootoos to give him this title. The chiefs and tootoos of Tau and the village of Faleasao. That this governor has exiled Taliutafa in the Island of Tutuila for six years, or banished him for six years without supporting him in the way of food and clothes. Governor Kellogg refused also to accept food which the people over here in Tau desired to send to Taliutafa in Tutuila to support him. That is my criticism against Governor Kellogg and the judge of that time who was Hall.

Chairman BINGHAM. Any questions? If not, thank you.

Mr. JUDD. The next witness is Chris Young.

#### STATEMENT OF CHRIS T. YOUNG

Chairman BINGHAM. Your name?

Mr. YOUNG. Christopher Taliutafa Young.

Chairman BINGHAM. Your residence?

Mr. YOUNG. Tau.

Chairman BINGHAM. You have been asked to come before us by the people of your village?

Mr. YOUNG. Yes, sir.

Chairman BINGHAM. You are the person referred to by the last witness as laying claim to the title Tuimanua.

Mr. YOUNG. Yes, sir.

Chairman BINGHAM. Proceed. As I understand it, this case is going to be tried before Judge Wood next week?

Mr. YOUNG. Yes.

Chairman BINGHAM. Very well.

Mr. YOUNG. I wish to express in Samoan so that my people can hear me.

Chairman BINGHAM. Will you talk in Samoan first and then in English?

Mr. YOUNG. Mr. Peters can do the interpreting better.

Chairman BINGHAM. Very well.

Mr. YOUNG. That the chiefs of the island of Manua are all well satisfied with the well care of the Samoans by the Navy and also the great pleasure of the chiefs of Manua in regard to the appearance of the honorable commission in Samoa; and we wish to express our thanks to Senator Bingham, who is the chairman of this honorable commission, to his great interest in the Samoan people according to our information that he presented a resolution and urged the Congress of the United States to take steps and investigate troubles in Samoa. And we are exceedingly glad in this action in which Congress and the President of the United States has appointed this



commission to come down here to Samoa and enable us to have an opportunity to state what we wish and our desires. And every person in American Samoa appreciated very much as to this action of the Congress and the President of the United States for this annexation of our country and earnestly request to the honorable commission to make necessary recommendations to Congress to have the people of Samoa to be a true American citizen. That is all I wish to talk before the commission in regard to that subject of the gratitude of the people of Samoa, but I will now speak about a different matters. This concerns the title Tuimanua. As your honorable commission have come down here to Samoa to investigate everything and find out the desire and criticism of the people and therefore we would like to lay this case for your information or for your consideration in order to preserve the honorable ancient customs of the Samoan people.

Chairman BINGHAM. We would be interested in the story if we had plenty of time, but in view of the fact that this matter is now before the high court, and in view of the fact that it is not the custom of a committee of Congress to hear matters that are before the Supreme Court of the United States, I think it would be more in accordance with our custom not to hear this matter. It will undoubtedly be our duty to recommend to the Congress of the United States laws regarding the establishment of the courts and the right of appeal from local courts, but that does not give us the right to try any case of that kind. It is easy to understand that you naturally believe that you have a grievance, but we are fully acquainted with the circumstances and it is not a matter within our jurisdiction, especially as the high court is about to try the case.

Mr. YOUNG. I stated that it is true that this case is now before the high court and is ready to be tried in the very near future. However, since they understand that the commission would like to hear criticism that I thought I would like to tell you the story, in order that the commission may have the full information of the matter for your consideration.

Congressman BEEDY. Will you explain to him that under our form of government the legislative branch is entirely separate and distinct from the judicial branch; when the judicial branch of the Government, which is the courts, take jurisdiction over a matter in dispute it is entirely improper for the legislative branch through a commission such as this is, an agent of the legislative branch, to interfere with that which the judicial branch has undertaken to settle.

Mr. YOUNG. I am now satisfied and thank you very much for this, and I am quite satisfied and also the people present.

Chairman BINGHAM. Any questions? Thank you very much.

Mr. JUDD. Tauanuu.

#### STATEMENT OF CHIEF TAUANUU

Chairman BINGHAM. Your name?

Mr. TAUANUU. Tauanuu.

Chairman BINGHAM. Your residence?

Mr. TAUANUU. Tau.

Chairman BINGHAM. Your rank or title?

Mr. TAUANUU. Maitai.

Chairman BINGHAM. That being clear to us, I do not think it necessary to go into that case any further. The commission fully understands that the chief does not wish their customs interfered with, whatever government we put up. That is a reasonable request and we thank him for bringing it to our attention. Have you any further suggestions?

Mr. TAUANUU. No, sir.

Chairman BINGHAM. Thank you.

Mr. JUDD. At the request of Commissioner Tufele I call Nua.

#### STATEMENT OF CHIEF NUA

Chairman BINGHAM. Your name?

Mr. NUA. Nua.

Chairman BINGHAM. Your residence?

Mr. NUA. Tau.

Chairman BINGHAM. Your rank?

Mr. NUA. Matai.

Chairman BINGHAM. For how many people do you speak this morning?

Mr. NUA. The people of my family and also my village.

Chairman BINGHAM. How many?

Mr. NUA. About 50.

Chairman BINGHAM. Is what you are going to give us the unanimous opinion of your family and village?

Mr. NUA. Yes, sir.

Chairman BINGHAM. Very well.

Mr. NUA. I would like to state before the commission about the opposition side and there have been some witnesses testified criticizing the governor about plantations and agriculture. According to what I know, ever since the Navy ruling this country, every governor has been always directed the people to plant plantations. The government gives out directions to the people to plant plantations and then it is up to the people of Samoa to go and plant it but not the governor. It is up to the people. I believe as to this criticism it is not true, because it is up to the people themselves to plant plantations; but the government is innocent as well of such criticism. I am well satisfied with the Navy of this particular thing that in past years water has been very difficult to obtain in Manua; that is, drinking and bathing water. At the present time all the villages of Manua now have water supply and cost the people of Manua nothing, but the expense paid by the government of American Samoa; therefore I desire that the Navy should continue to control Samoa. But that the people of American Samoa should be true American citizens; receive American citizenship, to be equal with the true American.

High Chief TUFELE. Have equal rights?

Chairman BINGHAM. Any questions? If not, thank you. Call the next witness.

Mr. JUDD. Siva.

High Chief TUFELE. This man testified in Tutuila.

Mr. JUDD. Salu.

High Chief TUFELE. This man comes under the first witness.

Mr. JUDD. Moetului; Tuga'etan [No response.] Faamausili. [No response.] Tauala.



## STATEMENT OF TAUALA

Chairman BINGHAM. Your name?

Mr. TAUALA. Tauala.

Chairman BINGHAM. Your village?

Mr. TAUALA. Tau.

Chairman BINGHAM. Your rank?

Mr. TAUALA. Matai.

Chairman BINGHAM. For how many people do you speak?

Mr. TAUALA. About 200.

Chairman BINGHAM. Are your people unanimous in this matter or is there a difference of opinion among them?

Mr. TAUALA. Unanimous.

Chairman BINGHAM. Please give us your suggestions and ideas?

The INTERPRETER. He says that as he stated he represents that number of people and what has already been testified by previous witnesses in favor of the Navy is their opinion.

Chairman BINGHAM. You and your people are in favor of the present government?

Mr. TAUALA. Yes, sir.

Chairman BINGHAM. Have you any suggestions or change to offer?

Mr. TAUALA. I would like to ask the commission to change the supreme authority of the governor as he has at the present time. I would like to thank very much to the honorable commission and Congress of the United States and President for the annexation of Samoa and therefore I request the commission to make a recommendation to Congress to take certain acts to have the people of Samoa as true American citizens.

Chairman BINGHAM. To take action?

Mr. TAUALA. Yes.

Chairman BINGHAM. Any questions? No? Thank you.

Mr. JUDD. Matoa.

## STATEMENT OF CHIEF MATOA

Chairman BINGHAM. Your name?

Mr. MATOA. Matoa.

Chairman BINGHAM. Your residence?

Mr. MATOA. Tau.

Chairman BINGHAM. Your rank?

Mr. MATOA. Matai.

Chairman BINGHAM. For how many people do you speak this morning?

Mr. MATOA. The people of my family, my village, and my district. One thousand odd.

Chairman BINGHAM. Please proceed.

High Chief TUFELE. For the information of the commission, the people of Tau are over 2,000.

Chairman BINGHAM. As I understand it, he has been chosen to speak for 1,000 people, but he only gives his rank as a Matai.

High Chief TUFELE. He is a Matai, but he was picked by the district.

Chairman BINGHAM. He was selected by the district to speak for them.

Mr. MATOA. My full desire that I wish to present before the commission that the people of Samoa should obtain true American citizenship. That the Navy should continue and control in American Samoa because I am full aware of the love of the Navy and everything that she has done for the people of Samoa. It increased the population of the people of American Samoa and it was not so in past years before the arrival of the Navy, and it is impossible for me to give out details of everything, but I understand it has already been testified before the commission. But there are certain things that I am not satisfied; that is about the two small motor boats of Mr. Steffany now running between the islands. These boats are practically the same as whale boats which we have used in past years when we travel. No accommodations or comfortable place for passengers. No lifeboats in case of anything happening. Also no provisions in case of anything happening. And, furthermore, the skipper has no certificate. But the skipper of these boats are the Samoan boys who have no certificate, and if anything should happen we would not hold responsibility.

Chairman BINGHAM. Who?

Mr. MATOA. The skipper.

Chairman BINGHAM. Repeat what you just said.

Mr. MATOA. Samoan boys hired by Steffany. These boats have swamped several times and have caused loss of our copra.

Senator ROBINSON. Do these boats carry life preservers?

Mr. MATOA. Yes. But they are worn out.

Chairman BINGHAM. Recess of five minutes.

#### AFTER RECESS

Chairman BINGHAM. The session is now in order.

Mr. MATOA. When I was traveling on one of these boats when she swamped and lost a good deal of copra, and at one time the other boat was also swamped and lost duplicate copra receipts and mail. The reason why these troubles often occur is on account of these boats being so small, and the loss of this copra will cause a big copra shrinkage, which will be on top of the copra of American Samoa.

Chairman BINGHAM. Just what do you mean?

Mr. MATOA. On top of copra expenses. Also the copra has been held here for six months because these small boats can not carry them all to the station.

The INTERPRETER. For your information, copra is sold by the government and a certain amount is deducted from that paid the natives for their copra as they bring it in. From this amount the expenses of handling copra and any shrinkage or unforeseen accidents, such as the loss of this copra, is deducted.

Chairman BINGHAM. How much do they charge the passengers that go from here to Pago Pago?

Mr. MATOA. \$4.

Congressman BEEDY. Is that for a round trip?

Mr. MATOA. No; one way.

Chairman BINGHAM. How much do they charge for carrying copra?

Mr. MATOA. I do not know.

High Chief TUFELE. For the information of the commission, it is \$6 the ton.

in explanation of something that I have said that he does not understand?

(After a pause, no one having asked any questions, the chairman said:)

If not, we shall proceed with the hearing, and I will ask Laloifi to call the first witness.

Mr. JUDD. Mr. Chairman, the chairman of the reception committee of this village has given me a statement containing three names, and has explained that all the witnesses heretofore selected to appear this morning have gathered together and have agreed that these three men appear here this morning to act as their representatives: Fanene, Liu, and Galeai.

Senator ROBINSON. Do we understand that these three men who have been selected are to speak for all the people here?

Chairman BINGHAM. In order to answer that question, I will ask all of the chiefs present whether they are satisfied these men are prepared to present their ideas. Is that your wish?

Interpreter WILLIS. They are all raising their hands to show their approval.

Senator ROBINSON. May I say that this seems to be a simple and intelligent way to proceed. It will be helpful to us to have you go on in this manner.

Mr. JUDD. Fanene.

#### STATEMENT OF CHIEF FANENE

Chairman BINGHAM. What is your name?

Mr. FANENE. Fanene.

Chairman BINGHAM. Where do you live?

Mr. FANENE. Pago Pago.

Chairman BINGHAM. Your rank?

Mr. FANENE. Matai.

Chairman BINGHAM. Are you one of the three who has been chosen to speak for all the rest?

Mr. FANENE. Yes.

Chairman BINGHAM. Very well.

Mr. FANENE. Gentlemen and ladies and all present; the honorable chairman of the commission and all gentlemen of the commission:

First, I offer thanks to God that he has protected us that are in this house this day. The day has arrived in which we have looked forward to for many, many years. All of the chiefs, talking chiefs, and all citizens present know that it is the Lord that has led the voyage of the commission safely over the dangerous seas. It is not the knowledge of the commissioners or us that are in Samoa that has brought us together but it is the will of the Lord. That is the thanks that I offer this morning. But now your honorable commissioners from America and the Samoan commissioners have joined together and has made their number seven. I am now representing the people that are in this village: Chiefs, talking chiefs, and families to the number of over 6,000 and this whole 6,000 join with me to offer their thanks to the commissioners for coming here this morning. We know the blessings that are now with us and that s the Stars and Stripes that wave over us at the present time.



Your explanations in the past are quite true and many years we have been under the American flag. We have long tried a way and means to present ourselves before the Congress of America. We have done this so that we may have a standing in our islands, that our islands may have a standing; and thus, what we have strived for we have received so far when the President signed the annexation in February last year. But we have not received the word "true American." We are not taken yet as citizens of America; but this morning I pray the commissioners that they will do what they can that we may be made citizens of the United States to serve the United States.

We are only a few people that is true, but we wish to become loyal and peaceful citizens of the United States.

I have finished what I have to say before the commissioners but there is one of our members who will explain the few things that we have and wish for.

Chairman BINGHAM. Any questions? There being none, we thank you.

#### STATEMENT OF CHIEF LIU

Chairman BINGHAM. What is your name?

Mr. LIU. Liu.

Chairman BINGHAM. Where do you live?

Mr. LIU. Vaitogi.

Chairman BINGHAM. What is your rank?

Mr. LIU. Matai.

Chairman BINGHAM. Are you one of the three who have been selected to present the views of all the rest?

Mr. LIU. Yes.

Chairman BINGHAM. Please proceed.

Mr. LIU. The year that the flag was hoisted by Captain Tilley on the Island of Tutuila, he made a statement to the Samoan people, thus: "This day Samoa will be taken and will be called American Samoa." As the Samoans had not been used to any form of government, this was something new to them. When the chiefs, talking chiefs, and all the people of Samoa heard those words, all of the chiefs, talking chiefs, and all the citizens were happy when they came to think that they were taken under such a powerful name as American Samoa, and we understood ourselves that we were really part of the United States. After that had passed and years followed, the Samoan people continued in happiness until a gentleman of the big Government arrived that was made captain of the yard. This gentleman was Boucher. He was the one that told us that Samoa was not annexed by the United States.

It is from that time that there were two different voices in Tutuila and Manua. That is why there is a portion in Tutuila to-day which is something new, and they are called the Mau, and the Mau were not satisfied when they came to understand that Samoa was not a part of the United States. That is why there have been statements made to the President of the United States and to the Congress of the big Government, and to-day we know that what we have been trying for has been accepted, because the President of the United States has appointed a commission to investigate to find a way for



the Government to handle the affairs of Samoa. It is for this that we thank God that He has helped us in having the Congress of the United States and the President of the United States accept our wish, as it has been stated by the chairman of the commission that the United States has been kind enough to grant us this blessing that countries and States that are "way larger can not get from their Congress."

There is going to be a person who has been appointed by our people to state before the commission our views of what we are not satisfied with.

Although the people in favor of the Navy have made statements against this portion of Samoa, we do not wish to say anything against them, but we rejoice that we know that the islands of Tutuila and Manua have been accepted by the United States.

We lay everything before the President of the United States and the Congress to do the best for the welfare of our country; but I pray and beg the commissioners that although the Navy has taken American Samoa for 30 years and in that 30 years Samoa has not been accepted, thus I pray that civil government be established in Samoa.

I thank the commissioners and wish them the best of luck. That is all I have to say.

Chairman BINGHAM. I would like to ask him what he means by civil government.

Interpreter WILLIS. What he means is that the people of Samoa may become people of the civil government, he means citizens of the United States.

Chairman BINGHAM. Do all of the interpreters agree to that interpretation?

Interpreter PETERS. I do not.

Commissioner TUFELE. He wants the Samoans to have a civil government.

Interpreter PETERS. Civil government means the government of Samoa to be administered by civilians instead of Navy people. That's my understanding of what he says.

(Interpreter Willis speaks to witness.)

Interpreter WILLIS. I just asked him whether it was his wish that Tutuila and Manua be taken under a civilian government and he said "Yes."

Chairman BINGHAM. Then, Mr. Willis, you did not get his idea at first, did you?

Interpreter WILLIS. His first idea came out the way I interpreted it, I think.

Commissioner TUFELE. You said he wanted to be an American citizen.

Interpreter WILLIS. The way he made the statement at first, I think that was it. What I explained first—I didn't get the real meaning of this question.

Chairman BINGHAM. Has the witness anything more to offer in the way of suggestions?

Mr. LIU. No; that is all.

Chairman BINGHAM. Thank you very much.

Mr. JUDD. Mr. Chairman, the next witness is Galeai.

## STATEMENT OF HIGH CHIEF S. T. GALEAI

Chairman BINGHAM. What is your name?

Mr. GALEAI. Galeai.

Chairman BINGHAM. You have written us some letters, I think.

Mr. GALEAI. Yes.

Chairman BINGHAM. Do you generally sign your letters "S. T. Galeai"?

Mr. GALEAI. Yes.

Chairman BINGHAM. For the sake of the record, will you please tell us what is meant by the "S. T."?

Mr. GALEAI. My baptismal name is Samuel—Samuel Tulele—Samuel Tulele Galeai.

Chairman BINGHAM. Where do you live?

Mr. GALEAI. Fitiuta.

Chairman BINGHAM. What is your rank?

Mr. GALEAI. Highest chief of the village.

Chairman BINGHAM. Are you one of the three chiefs who have been chosen to speak for all of the rest of your people?

Mr. GALEAI. Yes.

Chairman BINGHAM. Do you speak English?

Mr. GALEAI. No, sir.

Chairman BINGHAM. Do you write English?

Mr. GALEAI. No, sir.

Chairman BINGHAM. Very well; please proceed.

Mr. GALEAI. In the year 1929, and in the month of February, there was a notice published and scattered that Samoa had been accepted as a Territory of the United States or part of the United States.

Chairman BINGHAM. Does he not mean "part of the territory of the United States" rather than a Territory? The two words have a different meaning. Hawaii is a Territory.

Mr. GALEAI. That is what I mean—that Samoa had been taken as a part of the territory of the United States. This year when they got this news the Samoans rejoiced that this had happened. On this account we do not wish to criticize or say anything against the Navy, as I know that we are now part of the territory of the United States.

The first subject that I wish to bring before the commissioners is land—that mixed blood will have the right to purchase and own lands, but any person of full foreign blood, a white man, New Guinea or Tonga, with no Samoan blood will not be permitted to buy or own land.

Second. In regard to the governor, that is left to the appointment of the President of the United States and the Congress.

Chairman BINGHAM. Mr. Willis, did he say that he wished it to be left to the President and the Congress of the United States?

Interpreter WILLIS. He says:

We wish it to be left to the President and Congress of the United States to appoint our governor.

Third. Foreigners that come to our country: That these islands be under the act of Congress that no person can come to these islands without a pass from Congress. What he means, I think, is the immigration act—that the immigration act may apply to American Samoa, that no person of foreign blood, no foreigner, can come here without going through the immigration laws.

Chairman BINGHAM. Is that the way you understand it, Mr. Peters?

Interpreter PETERS. That is what he means.

Chairman BINGHAM. Better explain to him, Mr. Willis, that no western Samoan could come into the United States to-day under the immigration laws.

Mr. GALEAI. But it be added that our brothers in Upolu and Savaii may come in and visit us free and return to their homes not covered by this law.

Fourth. Courts: Should there be a decision made in American Samoa that is not satisfactory, that an appeal may be made to Honolulu or to the United States.

Fifth. In regard to schools: We are all in favor of education for the children of our country. Therefore I pray the President of the United States and Congress and the people of the United States to help us out with a little appropriation of money to help our schools.

Sixth. It is in regard to a letter that we have presented before the commission a few of our views if they are of any help to the commission.

Chairman BINGHAM. I didn't understand that.

Interpreter WILLIS. A few of their views have been presented to the commissioners, if it be of any help to the commissioners in that work.

Senator ROBINSON. Was that the letter presented by Hunkin?

Mr. GALEAI. We gave it to Hunkin to give to the commission.

Chairman BINGHAM. Is this the letter?

Mr. GALEAI. Yes.

Chairman BINGHAM. The letter referred to will be inserted in the record at this point.

*To the American Samoan Commission, American Samoa.*

GENTLEMEN: In setting forth the desires of the majority of the Samoan people, we wish to remind you that the cessions of these islands to the United States—and accepted by your Government—provide that our territory is ceded "to erect the same into a separate district to be annexed to the said Government."

In accordance with the terms of the cessions, it is our wish that a civil government with separation of executive, legislative, and judicial functions be established in American Samoa. We appreciate that the Department of the Navy will wish to control certain waters of the islands and that portion of land now called the navy yard, but it is our wish that the government of that portion of American Samoa set aside for the Department of the Navy should bear the same relation to the government of the remaining portion of the islands as is borne by the government of naval stations in the United States to the civil government there.

It is our wish that a civil governor be appointed for American Samoa by the President of the United States, by and with the consent of the Senate, and that he shall be under the State Department of the United States; that he shall have the right, but not the sole right, to propose legislation to the duly elected legislature, and that his approval shall be necessary to make its enactments law, except that, if he shall not sign any enactment, the legislature may reconsider it and may pass it by vote of two-thirds of its membership, when it shall be referred to the Secretary of State of the United States for final determination.

It is our wish that the law-making powers be vested in a legislature to be duly elected by the Samoan people and to convene annually, and that the consent of the legislature shall be necessary to confirm appointments of the governor; and that the legislature shall elect a Delegate to represent the Samoan people in Washington.

It is our wish that the judicial department function under the Department of Justice of the United States with a judge of the court of record to be named the Attorney General of the United States; that this court of record try all cases for which the penalty is more than six months' imprisonment; that inferior courts shall try all misdemeanors and matters involving \$50 or less. It is our wish that every two years, or oftener, the Circuit Court of Appeals for Hawaii meet in American Samoa with at least two judges presiding. It is our desire that any person having a grievance against the government, or any department of it, or against any official, shall have the right to file a complaint, and that all civil rights guaranteed by the Constitution of the United States be extended to Samoans and the Federal laws of the United States be made applicable to them. It is our wish to be subject to military duty of the United States Government, but only in the waters of the Pacific and in wars of invasion or aggression against the United States.

It is our wish that each district, each county, and each village in American Samoa choose its own officers and judges of inferior courts without interference by those not residents of said district, county, or village.

It is also our request, in order to provide for a changing and developing population, that, beginning with 1935, the legislature shall present to the Congress of the United States, with the approval of the governor, every five years, recommendations for any changes deemed desirable in the governmental system adopted by the Congress for American Samoa.

In order that the land and the people of American Samoa may be properly safeguarded and developed, it is our wish the departments of education, of public health, of public works, and agriculture be established and continuously developed. We request that a school system with proper thrift, vocational, commercial, and agricultural training and encouragement of native arts be devised by the United States Commissioner of Education, with the advice and assistance of the superintendence of schools of the Territory of Hawaii, and placed under competent leaders to establish and develop the same. We request that from time to time, as necessary, the United States Commissioner of Education recommend suitable heads for the educational system of the legislature.

It is our wish to have a department of public welfare with the necessary doctors, nurses, and hospitalization, which will concern itself with matters of public health and sanitation and provide for regular health examinations of all inhabitants and the prevention of disease, for care of the sick and aged, making especial care for pure-water supplies, effective sanitary and quarantine regulations, and care of newborn infants as in the Western States of the United States. We ask that from time to time, as necessary, the head of the Bureau of Public Health of the United States recommend suitable heads for the department of public welfare to the legislature.

It is our wish that an experimental station of the Department of Agriculture of the United States be established in American Samoa so that we and future generations may be enabled to avoid food shortages and make the best use of the resources of our country. We ask assistance and encouragement in marketing our surplus products and handwork to our best advantage.

We desire that only persons who have been born in American Samoa and are of at least 25 per cent Samoan blood may own or inherit land in American Samoa, and that no leasing of land shall be for a period exceeding 25 years. It is also our desire that not more than 15 per cent of the land of American Samoa may be purchased for governmental purposes. We further ask that the Samoan people be guaranteed the right to develop our harbor facilities, and that all toll and dockage fees shall belong to the government of the people of American Samoa.

We request that no person be permitted to give more than 10 per cent of his income to religious organizations or institutions, and that the laws of the United States prohibiting the sale and transportation of intoxicating liquor be strictly enforced in American Samoa, and that laws forbidding gambling be likewise strictly enforced.

It is our wish that, at the request of the legislature, the department of public works shall develop and maintain roads and other construction or engineering projects, provided that no bond issue or bond issues of any kind shall be permitted to be a lien upon the property of the Samoan people. We ask that no person under 21 years of age be taxed, and that when a per capita tax is levied it shall not be greater than \$10 per capita, and that if an income tax is levied it shall not be greater than 5 per cent, and that two or more types of taxation shall not be used concurrently.



To meet the expenses of this proposed government, and for the establishment and maintenance of schools, public welfare, and public improvements, we ask that the sum of \$10,000,000 be set aside in the Treasury of the United States in return for the privileges and use of the harbor of Pago Pago and surrounding territory by the Government of the United States, and that the said sum shall be invested in bonds of the United States Government, and the income derived therefrom shall be used for the operation of our government, and the educational, public welfare, and public improvement systems of American Samoa, and that the administration of such income shall rest in the legislature, which shall consult with the governor regarding the same.

We also at the present time and until a civil government is put into effect in American Samoa, wish the right to name and select our representative or representatives to appear before the Congress of the United States without the advice, suggestion or interference of the present governor, or any other person, save and except the majority of the Samoan people; and that the Congress of the United States accept the representative or representatives so chosen by the majority of the Samoan people, as represented by their chiefs in a fono whose membership shall not be chosen by the governor but in the ancient Samoan fashion without his interference.

Very respectfully yours,

THE MAU OF AMERICAN SAMOA.

Dated in American Samoa, October 1, 1930.

The foregoing letter, attached to which is a translation in Samoan, bears the signature of P. Fanene, S. T. Galeai, and 711 others.

Chairman BINGHAM. All right, you may proceed.

Mr. GALEAI. Seven. As it has been explained to us by the chairman of the commission that the soil of Tutuila and Manua has been made a part of America but the people of Tutuila and Manua are not American citizens, that as Tutuila and Manua has been accepted as part of America, I therefore pray that the people of Tutuila and Manua may also become citizens of America.

That a council are to discuss together with the governor all matters in the making of laws in matters concerning the government, this council to consist of 3 from the eastern district, 3 from the western district, and 3 from Manua, and 3 of mixed blood or white men that would make the number of 12 together. The white citizens that I have mentioned, or the part Samoans, are people that have been citizens of Tutuila and Manua for 5 years or 10 years, have been residents of Tutuila and Manua for 5 years or 10 years.

The statement that I have now presented to you which I was appointed to present by all of these people is what we wish and we hope that we will all be friends. We look upon the commissioners as our best friends and we hope the commissioners will accept us the same.

Chairman BINGHAM. I would like to ask some questions.

You spoke about the question of immigration and passports. Are you satisfied with the present arrangement regarding the passports between Western Samoa and American Samoa?

Mr. GALEAI. Yes.

Chairman BINGHAM. Are you satisfied?

Mr. GALEAI. Yes.

Chairman BINGHAM. You mentioned a council of 12, consisting of 3 to be selected from the eastern district, 3 from the western district, and 3 white or part white residents of Samoa. What powers and duties do you desire this council to have?

Mr. GALEAI. This council are to discuss the making of laws and matters concerning the government. When they present his before the governor and he objects to their wishes or vetoes it, it is to be returned to the council; and after discussion, and had been returned to the governor 3 times and the governor still vetoes it, it is to be forwarded to the President of the United States for decision.

Chairman BINGHAM. Would you then give to this council the entire law-making power subject to the final veto of the President?

Mr. GALEAI. That the council should discuss the making of laws, subject to the veto of the governor and approval of the President.

Chairman BINGHAM. You used the word "discuss." Is that what you mean, or that they would pass the laws subject to the veto of the governor?

Mr. GALEAI. They are to make the laws subject to the veto of the governor and the decision of the President.

Chairman BINGHAM. How would you have this council selected; that is, presuming each district chooses three? I want to find out how you would have the council selected. What would be the method of choosing this very important law-making body?

Mr. GALEAI. That should be handled by a vote of each district.

Chairman BINGHAM. Would you have them vote in the manner in which they now vote and elect delegates to go to the fono; the 10 Matais that go as delegates to the fono?

Mr. GALEAI. No; I am not satisfied with the way they choose the delegates at the present time, but I want a vote of all the people.

Chairman BINGHAM. What is the method by which delegates are now chosen, the 10 from each district? How are they selected?

Mr. GALEAI. At the present system, the county committee is made, their resolutions brought before the district meeting, or the meeting that is called the governor's meeting. They have their discussion over those resolutions and then the delegates for the main fono are selected in this district meeting. They select the delegates for the main fono at the district meeting.

Chairman BINGHAM. Why do you object to that system?

Mr. GALEAI. Well, I am satisfied to handle it that way at the present time.

Chairman BINGHAM. I don't think he understood me. He said he was not satisfied with the way in which the 10 delegates were selected from his district to the fono. He said he was not satisfied with the way in which they were selected. Will you please tell us, what it is about this method of selecting that you do not like? What are your objections to this method of selecting the delegates?

Mr. GALEAI. My reason at first, though I have changed my reason afterwards, my first reason is this: That in the selection of this 10 delegates, if there is one of the delegates that our chief doesn't like he will put him aside and get somebody else in his place.

Chairman BINGHAM. Which chief?

Mr. GALEAI. What I mean is the chiefs that are holding the official powers, district governors or county chiefs or those that have a say in the selection of the delegates; chiefs that have government positions. What it seems to me is those chiefs that hold government positions can do as they choose in the selection of the delegates for



ay. This is the end of what I have to say before the commission and we will later on discuss, ourselves, matters that have been brought before us. There is nobody who is perfect and who does not make mistakes. May God be with us, and help us in the finishing of our work.

Chairman BINGHAM. Thank you very much.

#### STATEMENT OF HIGH CHIEF TUFELE

High Chief TUFELE. Mr. Chairman, I have not much to say at present because our time is short and we have another time to talk at our meetings. I think it is one of the previous witnesses stated, but I added more to it, I want to put it in the record and also want my people here to hear that we wish our request to the commission to make a request to the President to pick out a commission from the Congress to look out for our Samoan affairs, and give this commission a chance to come down and inspect our laws and conditions which I have thought that it would be suitable to them to come any time that there are things to be corrected. And we bring laws to the Congress, I request this special commission appointed by the President and Congress to come down and improve our laws once in a while. Does the chairman and the commission understand what I meant?

Chairman BINGHAM. Yes; very well, thank you.

#### STATEMENT OF CHIEF MAGALEI

Chief MAGALEI. I have not much to say, but I just wish to add to what Commissioner Mauga has said. I certify to all what Magua said to be true. I wish to certify that from all these troubles have caused this main trouble that the commission has come down now to settle. I thank the Congress of the United States and the President that they have taken notice and have appointed the chairman and the commissioners of Samoa to act and rectify all this trouble that is now in Samoa. I also thank the chairman and the commissioners, especially the chairman, in his good and great experience, to find a way in which friendship and happiness may continue in Samoa. Although there seems to be two different views of this at the present time, one for the continuation for the handling of the Navy and one for a purely civil government, this I leave entirely to the commissioners, to their best knowledge and ideas. Health and prosperity to the commissioners and the legal advisor of the commission and health and prosperity to all of Samoa.

Chairman BINGHAM. I desire to thank you for your kind words. On next Monday the commission will meet in executive session here in Poyer School, and only the members of the commission and interpreters will be present, to decide what recommendations we shall make to the Congress.

The hearings are closed.

## DECISION OF COMMISSION

FOYER SCHOOL, October 7, 1930.

Before an assembly filling the schoolroom, an assembly consisting of the Governor of Samoa and his staff, the high chiefs, the talking chiefs, and chiefs of Tutuila-Manua, all of whom had been invited to attend, the chairman rose and said:

Your excellency, commissioners, the high chiefs, talking chiefs, chiefs, and the people of Tutuila-Manua present before me, we have assembled on the shore of this beautiful bay of Pago Pago to read the preliminary report of the American Samoan commission. The commissioners have deemed it advisable and in the public interest to issue this authoritative statement so that all may know the conclusions so far arrived at by the commissioners. It is with pleasure that I tell you the fact that the seven commissioners have unanimously agreed in the findings of this report and all have signed it.

This is their decision:

We shall make a report to the Congress of the United States which will contain, among other things, the following recommendations:

1. That American Samoa be governed under an organic act.
2. That full American citizenship be granted to the inhabitants of Tutuila-Manua as of February 20, 1929, and to their children; and also to those inhabitants of Tutuila-Manua who were then residing on the mainland of the United States or in the Territory of Hawaii. This latter class of inhabitants of Tutuila-Manua shall, in order to record their citizenship, file an application in a district court of the United States to show their desire to become citizens.
3. That there be two kinds of citizenship: American citizenship and Samoan citizenship. In addition to the first recommendations, the commission will recommend that the legislative power in Tutuila-Manua, namely, the fono shall determine the qualifications necessary for Samoan citizenship, but that the fono, in exercising this power, shall not deny Samoan citizenship to any person of full or part Polynesian blood otherwise qualified.
4. That land in Tutuila-Manua may be acquired by purchase or inheritance, but only by citizens of Tutuila-Manua or by the government.
5. That the legislative power in Tutuila-Manua be the fono as it is now constituted, with an appeal to the President of the United States should the governor use the veto and the fono pass any measure by two-thirds vote over the governor's veto. The legislative power of the fono shall extend to all rightful subjects of legislation not inconsistent with the organic act of American Samoa and the laws of Congress.
6. That the governor of American Samoa be appointed by the President of the United States with the approval of the Senate. That the President be free to appoint a civilian or an active or reserve officer of the Navy or of the Army. The length of the term of office of the governor shall be determined by the President's pleasure and his satisfaction with the governor's conduct.
7. The present laws, rules, and regulations for the government of American Samoa will continue in force until the organic act is passed

by the Congress. We recommend that except as changed by the organic act, these laws continue in force until amended or repealed by the legislative power of American Samoa or by the Congress of the United States.

8. Due to the necessity of maintaining the revenue of the island government, no recommendation will be made for the lowering or abolition of customs duties.

9. American Samoa will be described as consisting of the islands named in the cession by the chiefs of Tutuila in 1900 and by the chiefs of Manua in 1904, together with Swains Island. The island government of American Samoa will not be extended to Swains Island, for the recommendation of the commission is that Swains Island be governed as though it were a part of the naval station at Fagatoga.

10. The commission will recommend that in all important cases an appeal will lie to the United States district court for the District of Hawaii, a judge of which shall come to Samoa from time to time when necessary to hear cases.

11. The commission will recommend that a bill of rights be written into the organic act of Samoa covering substantially the following points:

No law shall be enacted respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievance.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb nor shall be compelled in any criminal case to be a witness against himself. In all criminal prosecution, the accused shall have the right to a speedy and public trial, to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in American Samoa.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it. No ex post facto law shall be passed.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No law shall be made or enforced which shall abridge the privileges or immunities of the citizens of American Samoa.



Excessive bail shall not be required, nor excessive fines be imposed, nor cruel and unusual punishments inflicted.

HIRAM BINGHAM.  
JOE T. ROBINSON.  
CARROLL L. BEEDY.  
GUINN WILLIAMS.  
MAUGA.  
TUFELE.  
MAGALEI.

On board U. S. S. *Omaha*, October 7, 1930.

In conclusion, the seven commissioners charge me to say to you that these changes which I have read to you will be recommended by the commission and I am directed to say that it must be clearly understood by you within the sound of my voice and by all other inhabitants of Tutuila-Manua that none of those changes will or can take effect until they are made law for Tutuila-Manua by Congress. It is the duty of all to obey the present laws of American Samoa until those laws are changed.

The four commissioners who now will proceed to the mainland of the United States on the *Omaha* thank you again for your courteous reception and to each of you we say Tofa. Uma.

#### TRANSLATION IN SAMOAN OF DECISION

O lo au tatou potopoto nei i le laueleele o lenei Fagaloa matagofie o Pago Pago ina ia faitauina le ulua'i faaaliga o le faofi o le Komisi Amerika Samoa o le a tuuina atu i luma o le 'Au Faipule. Ua taofi le Komisi o se mea lenei au tataua ai one faaaliga ina ia lauiloa ai e tagata uma lenei faamatalga o le i'uga ua taunu'u i ai le su'esu'ega a Alii Komisi. 'Ou te faaali atu ma le fiafia ia te outou ona o le itu i nei Komisi e to'a fitu ua loto faatasi lava ma malie i ai i latou uma i mata'upu uma ua tusia i lenei faaaliga ma ua tusia ai uma o latou suafa.

O la latou i'uga lenei:—O le a matou faia se faaaliga i le 'Au Faipule o le Unaitē Setete ina ia talia mata'upu ua tusia i lenei faaaliga ma o le a aafia ai foi ma nisi mea:

1. Ona o Amerika Samoa ia puleina i lalo o se talafono faavae.  
2. Ona o tagata o Tutuila ma Manu'a ia avea i latou tagata Amerika moni e pei ona faia in Fequari 20, 1929, atoa ma a latou fanau; atoa fol ma tagata o Tutuila ma Manu'a o ē sa i ai i le Unaitē Setete poo le Teritori o Hauai i na ona po. O lenei vesega o tagata o Tutuila ma Manu'a o loo faaaliga mulimuli, i le itu ina ia mafai ona faamauina le avea o i latou ma Amerika moni, ia faauluina se talosaga i le faamasinoga Itumalo o le Unaitē Setete e faauoa, ai lo latou mana'o ina ia avea ma tagata Amerika moni.

3. On ia i ai itu'aiga e lua, o le avea ma tagata Amerika moni ma le avea ma tagata Samoa moni. E faaopoopo i le mata'upu o lenel faaaliga, o le a molia e le Komisi lo latou taon ona o le pule i le faiga o Tulafono a Tutuila ma Manu'a e faasino lea i le Fono, o le a i ai i le Fono le filifiliga o itu eseese e mafai ai ona avea le tagata ma tagata Samoa moni; a'e le Foni i le faiga o lana pule, o le

to a hurricane on January 1, 1926. For 1927 production will be between 15 per cent and 20 per cent of an average year, and this further decrease can not be entirely due to the hurricane. It is due to neglect and failure to supervise the native in production. In 1901 taxes were \$1 per head for each inhabitant (p. 61, governor's report); to-day the tax is \$9 per head. In 1901 ad valorem duty was 2 per cent on importation (p. 94, governor's report). To-day it is 15 per cent. In 1901 labor was paid 80 cents and \$1 per day, the same rate being paid to-day (labor on a recent cement building in the navy yard was paid 80 cents). Considering these figures, the fact that everything the native buys has increased in landed cost about 300 per cent and the decline in production, one is puzzled to understand just how the 58.2 per cent increase (claimed in the governor's report) exists.

On page 81 of the governor's report we find that "despite many piteous appeals" (referring to schools) the Secretary of the Navy on September 14, 1922, wrote "Government aid should be discouraged as far as possible and the people encouraged to do more for themselves." Considering that the University of Hawaii has for many years received \$50,000 per year from the Federal Government and that Hawaii ranks as one of the wealthiest communities of its size, it seems safe to state that the United States has neglected its ward.

It is true that we give the native a lot of free government, but we do not govern. A few idealists who know nothing of conditions here question whether or not education and prosperity are good for the native. The native, like all humans, is deciding for himself, and, like his white brother, is desirous of getting all he can. Whether he gets it through honest labor or otherwise will be the result of the manner in which he is governed. Children must be taught to compete and hold their own in social relations or it can safely be assumed that the number of illegitimates left behind by whites will continue to increase. It is continually maintained that the Samoan will not help himself. He does not know how. Neither does he derive the benefit of his labor. Since we have taken jurisdiction over these people and their destiny; also their harbor, which we term "The finest in the Pacific," and for which we paid nothing, the least we can do is to maintain a Government which will lead the younger generation into what the world to-day calls culture and civilization, for he must either go ahead or degenerate rapidly. Since we have assumed the wardship the native has not gone ahead, either financially, mentally, or morally.

Whether legislation places Samoa under a department other than the Navy is a matter of indifference to nearly everyone in Samoa. Most whites and half castes feel it very risky to attempt operating the Government under a civilian while a naval officer of substantial rank (and this would always be the case) acted as commandant on the naval station. However, everyone agrees that no one under the sun can hope to accomplish anything in the way of improvement unless he remains longer than 18 months, the usual period of duty of present governors. There is no fixed policy. Governors are accountable to no one in the matter of advancement and the country has remained stationary.

Unless the policy of governors becomes a fixed principle, and whoever takes jurisdiction demands production and education, and also unless Samoa is properly annexed by act of Congress, the statement that Samoa is a disgrace to the United States (so often made) will continue to be well and truly justified.

Yours very truly,

B. F. KNEUBUHL

EXHIBIT No. 37

NAVY DEPARTMENT,  
Washington, D. C., August 28, 1930.

Hon. HIRSH BINGHAM, U. S. S.,  
Chicago, Ill.

MY DEAR SENATOR: In compliance with your request to the Navy Department to draw up a proposed organic act for American Samoa, there are forwarded herewith a proposed organic act by Capt. W. R. Furlong, United States Navy, officer in charge of office of island governments, and a proposed organic act by the board consisting of former governors, Capt. H. F. Bryan, United States

Navy, and Capt. E. S. Kellogg, United States Navy, and a former judge of the high court of American Samoa, Harry P. Wood.

Captain Furlong, who is to accompany the commission to Samoa, will lay before the commission the comments made by the last five governors of American Samoa and the last two judges of the high court of American Samoa. He has been directed to assist the commission in making the final draft of the organic act for American Samoa.

Sincerely yours,

ERNEST LEE JAHNCKE,  
*The Acting Secretary of the Navy.*

## PROPOSED ORGANIC ACT CONTAINING A BILL OF RIGHTS FOR THE GOVERNMENT OF AMERICAN SAMOA

(By Capt. H. F. Bryan, United States Navy; Capt. E. S. Kellogg, United States Navy; and Harry P. Wood, former judge of the High Court of American Samoa)

### I. ISLANDS INCLUDED UNDER THE NAME AMERICAN SAMOA

The provisions of this act shall apply to the islands acquired by the United States under an act of Congress entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," approved February 20, 1929, and under an act of Congress entitled "Joint resolution extending the sovereignty of the United States over Swains Island and making the island a part of American Samoa," approved March 4, 1925, which islands shall be known as American Samoa.

### II. GOVERNMENT OF AMERICAN SAMOA

A government is hereby established over the said islands with its capital at Fagatogo in the island of Tutuila.

### III. BILL OF RIGHTS

The Constitution and Laws of the United States of America, in so far as they are locally applicable, and so much of the common law of England as is locally applicable and not repugnant to and inconsistent with the Constitution and Laws of the United States of America, and such laws and regulations as shall, from time to time, be promulgated by the Governor of American Samoa, subject to the provisions of this act, are hereby declared to be in full force in American Samoa.

The "Codification of Regulations and Orders for the Government of American Samoa" now in force shall continue in full force and effect, subject to such additional laws and regulations as shall be made by the Governor of American Samoa.

The customs of the Samoans, not in conflict with the laws of American Samoa and the laws of the United States concerning American Samoa, or with public morality or public decency, shall be preserved, unless otherwise requested by the representatives of the people.

The customary rights of the chiefs in their separate villages, if such rights are in accord with the laws of American Samoa and the laws of the United States of America relating to American Samoa, and if they are not obstructive to the peace of the people and to the advancement of the welfare of the people, shall be recognized, subject to the supervision and instruction of the said governments.

The individual rights of the people of American Samoa to their lands and other property shall be respected; but if the Government of the United States or the government of American Samoa shall require any land or other property for government uses the government may take the same, upon payment of a fair price to the owner or owners. In no case shall the alienation of native lands to a nonnative be permitted within the limits of American Samoa. The term "native land" shall mean and include lands owned by an aboriginal native.



## IV. CITIZENSHIP

None but aboriginal natives of American Samoa, and aboriginal natives of the other Samoan Islands who have resided in American Samoa for a period of five years prior to January 1, 1930, may be citizens of American Samoa, except that any individual who is not an aboriginal native but who was a regularly registered matai of American Samoa prior to January 1, 1930, and any descendant of such matai in the male line may be registered as a citizen upon application.

All persons entitled to citizenship must be registered within one year after the promulgation of this act in American Samoa.

None but registered citizens may hold public office in American Samoa, except such officials as are provided by the United States Government as set forth elsewhere in this act.

All other persons in American Samoa shall be class as noncitizens, and if residents they shall be registered under their true nationality. They shall have no voice in government and shall hold no public office. They shall be subject to the laws of American Samoa. They may at any time, for just cause, be required to leave the Islands upon written order of the governor, but such order shall clearly state the reason or reasons for deportation. They shall be entitled to a copy of such order.

Citizens of American Samoa shall have the privilege of visiting, residing, and doing business in the United States and its Territories, and, if desirous of doing so, may become citizens of the United States by naturalization in the same manner as other aliens, in which case they shall cease to be citizens of American Samoa.

## V. ADMINISTRATIVE SUPERVISION

For general administrative purposes the government of American Samoa is placed under the supervision of the Secretary of the Navy.

## VI. GOVERNOR

The title of the chief executive officer shall be "The Governor of American Samoa." He shall be appointed by the President, by and with the advice and consent of the Senate. He shall be a line officer of the Navy of the United States, of or above the rank of commander. He shall hold his office until his successor is chosen and has qualified, unless sooner removed by the President. He shall reside in American Samoa during his official incumbency, and shall maintain his office at the seat of government.

He shall be responsible for the faithful execution of the laws of American Samoa, and of the laws of the United States applicable thereto.

Subject to the provisions of this act, he shall be the maker of all laws, and shall make and control all appointments not otherwise provided for.

He shall have power to levy ad valorem and specific duties on all goods imported into American Samoa from the United States or from any foreign country, subject to such provisions of the revenue acts of the Congress of the United States as may be made specifically applicable to American Samoa. The revenues therefrom shall be turned into the treasury of American Samoa for the use of the government of American Samoa.

He shall not make any important decision involving the welfare of the people of American Samoa without consulting the assembled district governors, county chiefs, and district judges.

He may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws in force in American Samoa.

In the temporary absence of the governor from the seat of government, he may appoint by written order under his hand and seal, specifically defining his powers, a vice governor. In case of the death or the sudden disability of the governor, he shall be succeeded by the line officer of the Navy of the United States next in rank to him, attached to the United States naval station, Tutuila.

He shall by proclamation call an annual advisory "fono" (general meeting) of representatives of the people of American Samoa, over which he shall preside.

Each district shall be represented by: (a) The district governor, (b) all county chiefs of the district, (c) all district judges of the district, (d) 10 registered matais as delegates to be appointed at a district meeting.

Each delegate must be a registered matai; that is, a registered head of the family or group of families. A district meeting shall be held in each district, at the time and in the place designated by the governor, at which the district delegates shall be appointed, and at which shall be formulated the questions which the people desire to have discussed at the annual fono, and also the district's tentative answer to the questions which the governor desires to have discussed.

The governor shall annually, and at such other times as may be required, make official report of the transactions of the government of American Samoa to the secretary of the Navy.

He shall take the oath prescribed by law before assuming office.

#### VII. DEPARTMENTS AND OFFICES

- (1) Department of native affairs.
- (2) Judicial department.
- (3) Department of public health.
- (4) Department of public works.
- (5) Department of education.
- (6) Department of customs.
- (7) Department of the treasury.
- (8) Department of communications.

##### 1. DEPARTMENT OF NATIVE AFFAIRS

A secretary of native affairs shall be appointed by the Secretary of the Navy. The secretary of native affairs appointed by the Secretary of the Navy shall be a civilian citizen of the United States not less than 30 years of age who shall have been admitted to the practice of law in the highest court of the State or district in which he has received his certificate or license and who has been admitted to practice at least five years prior to his appointment as secretary of native affairs.

The duties of the secretary of native affairs shall be:

- (a) To have supervision over and inspect all work of the native officials.
- (b) He shall act under the instructions of the governor, and shall make regular reports on all native affairs to the Governor. He shall take the oath prescribed by law before assuming office.

*Clerk to the secretary of native affairs.*—A clerk to the secretary of native affairs shall be appointed by the Secretary of the Navy. He shall be a civilian citizen of the United States.

His duties shall be such as may be assigned to him (by the governor of American Samoa and) by the secretary of native affairs.

He shall take the oath prescribed by law before assuming office.

##### 2. JUDICIAL DEPARTMENT

A chief justice shall be appointed by the Secretary of the Navy. The chief justice appointed by the Secretary of the Navy shall be a civilian citizen of the United States, not less than 30 years of age, who has been admitted to the practice of law in the highest court of the State or district from which he has received his certificate or license, and who has been admitted to practice at least five years prior to his appointment as chief justice.

The chief justice shall be:

- (a) The chief judge of the high court.
- (b) Presiding judge of the district court.
- (c) Probate judge of American Samoa.

He shall take the oath prescribed by law before assuming office.

*Clerk of the high court.*—A clerk of the high court shall be appointed by the Secretary of the Navy. He shall be a civilian citizen of the United States.

His duties shall be:

- (a) To act as clerk of the high, district, and probate courts.
- (b) To act as the official stenographer of the high court, district court No. 1, and probate court.
- (c) To perform such other duties as may be assigned to him by the chief justice.

He shall take the oath prescribed by law before assuming office.

## 3. DEPARTMENT OF PUBLIC HEALTH

The department of public health shall have supervision over, and be directly responsible to the governor, for all matters relating to the public health.

The senior medical officer of the United States naval station, Tutuila, shall be the head of the department of public health with the title "public health officer." Such other persons attached to the medical department of the United States naval station, Tutuila, as may be found necessary, may be assigned to duty under the department of public health by the governor.

The public health officer shall perform such duties as may be assigned to him by the governor and shall make to the governor such reports as may be required.

He shall take the oath prescribed by law before assuming office.

## 4. DEPARTMENT OF PUBLIC WORKS

The department of public works shall have supervision over, and be directly responsible to the governor, for all matters pertaining to the construction and repair of all insular, district, county, and village public works, including roads, highways, culverts, buildings, dams, water works, and pipe lines.

The public works officer of the United States naval station, Tutuila, shall be the head of the department of public works of American Samoa. He shall perform such duties as may be assigned to him by the governor and shall make to the governor such reports as may be required.

He shall take the oath prescribed by law before assuming office.

## 5. DEPARTMENT OF EDUCATION

The department of education shall have supervision over, and be directly responsible to the governor, for all matters pertaining to education.

The chaplain of the United States naval station, Tutuila, or such other person as may be appointed by the governor, shall be the superintendent of education. He shall perform such duties as may be assigned to him by the governor and shall make such reports to the governor as may be required.

He shall take the oath prescribed by law before assuming office.

## 6. DEPARTMENT OF CUSTOMS

The department of customs shall have supervision over, and be directly responsible to the governor, for all matters pertaining to Island customs, and the collection of all revenues derived therefrom.

The chief customs officer shall be an officer of the United States naval station, Tutuila, appointed by the governor. He shall perform such duties as may be assigned to him by the governor and shall make such reports to the governor as may be required.

He shall take the oath prescribed by law before assuming office.

## 7. DEPARTMENT OF THE TREASURY

The department of the treasury shall have supervision over, and be directly responsible to the governor for, all matters pertaining to the custody of and the disbursements of public funds.

The treasurer shall be an officer of the Supply Corps of the Navy not below the rank of lieutenant. He shall be appointed by the Secretary of the Navy.

He shall perform such duties as may be assigned to him by the governor and shall make such reports to the governor as may be required.

He shall take the oath prescribed by law before assuming office.

## 8. DEPARTMENT OF COMMUNICATIONS

The department of communications shall have supervision over, and be directly responsible to the governor for, all matters pertaining to communications.

The head of the department shall be an officer of the United States naval station, Tutuila, appointed by the governor. He shall have the title of "communication officer."

He shall perform such duties as may be assigned to him by the governor and shall make such reports to the governor as may be required.

He shall take the oath prescribed by law before assuming office.

#### VIII. OTHER OFFICIALS

Other officials shall be an aide to the governor, an auditor, a comptroller, and a sheriff, all of whom shall be officers of the United States naval station, Tutuila, appointed by the governor.

Each of these officials shall perform such duties as may be assigned to him by the governor, and shall make such reports to the governor as may be required.

The auditor, comptroller, and sheriff shall severally take the oath prescribed by law before assuming office.

#### IX. TEMPORARY OFFICIALS

In the event of the absence, disability, or death of any official appointed by the Secretary of the Navy, the governor may appoint a substitute pro tempore.

#### X. HIGH COURT

The high court shall be composed of the chief justice, and, normally, of two associate judges who shall be native district judges.

The high court shall be held at such times and places as the governor may deem essential to the promotion of justice.

The high court shall have a seal and be a superior court of record and a court of law and equity.

The high court shall have original jurisdiction over—

(a) All civil suits concerning real property in American Samoa and all rights affecting the same.

(b) All civil suits between foreigners when the amount in dispute exceeds the sum of \$250.

(c) All crimes and offenses committed by foreigners when the penalty which may be inflicted exceeds a fine of \$250, or imprisonment with hard labor for a term exceeding six months.

(d) All charges of treason or murder.

(e) All crimes and offenses committed by native officials, in their official capacity.

(f) All judicial jurisdiction exercisable within the limits of American Samoa not hereafter provided for.

The high court shall be an appellate court for all causes appealed from the district court.

#### XI. APPEALS FROM THE HIGH COURTS

The judgments, decrees, and orders of the high court shall be final except that a party to an action or proceeding in which the high court has original jurisdiction, who is not satisfied with the final judgment, decree, or order of the court, may within seven days after the handing down of said judgment, decree, or order, and the service upon him of a certified copy thereof, appeal therefrom to the Governor of American Samoa.

Such appeal shall be in writing, signed by the appellant and directed to the Governor of American Samoa.

It shall state briefly the grounds of appeal.

Upon such appeal being taken, the governor shall notify the clerk of the high court of the appeal and the clerk shall promptly furnish to the governor a record of the case appealed from, including—

(a) A brief statement of the case.

(b) A copy of the pleadings, if any.

(c) A copy of the testimony.

(d) A copy of the judgment, decree, or order appealed from.

The governor shall, within a reasonable period of time, render a decision in the case, either upon the record of the high court or upon testimony of witnesses summoned by him, or both.

The governor's decision shall be in writing and shall either affirm, modify, or reverse the decision of the high court.

## XII. DISTRICT COURT

The district court shall be composed of the chief justice and a native district judge and shall be held not less than once in each month in each district.

If on the hearing of a cause, there is a difference of opinion between the chief justice and the native district judge sitting with him, the opinion of the chief justice shall prevail, but this shall not preclude an appeal to the high court.

When circumstances prevent the chief justice from sitting with a native district judge, the latter shall forward to the chief justice a complete record of the case together with his opinion, and the final decision of the chief justice shall either affirm, modify, or reverse the opinion of the native district judge.

The district court shall have jurisdiction over—

(a) All civil matters between natives and foreigners, and between natives, when the amount in dispute does not exceed the sum of \$250.

(b) All civil matters between foreigners when the amount in dispute does not exceed the sum of \$250.

(c) All crimes and offenses committed by natives except such as are under the jurisdiction of the high court.

(d) All crimes and offenses committed by foreigners when the penalty which may be inflicted does not exceed a fine of \$250 or imprisonment with hard labor for a term not exceeding six months.

(e) District Court No. 1 shall have jurisdiction of all matters within the cognizance of probate courts, and the chief justice shall be the probate judge.

The district court may cause to be apprehended and brought before it any person, within and subject to the jurisdiction of the court, and charged with having committed a crime or offense triable by the court. Where the crime is triable and is to be tried by the high court, the district court may take the preliminary examination and shall commit the accused to take his trial at the next sitting of the high court, and shall admit the accused to bail, if the charge is bailable, upon sufficient sureties being granted, or shall dismiss the accused.

The district court may at the discretion of the chief justice appoint assessors to assist the court but without voice in the decisions.

Any person dissatisfied with the judgment of the district court may appeal to the high court upon such terms as may be imposed by the district court, but he shall inform the court of his intention to appeal with 48 hours from the day of the judgment, and in criminal matters the court shall then decide whether the prisoner is to be held in custody or sent to his own village under the supervision of the police, or released on bail, to be brought up at the next sitting of the high court.

This court shall be a court of record and a court of law and equity and shall have a seal.

## XIII. SALARIES

The annual salaries of the civilian officials appointed by the Secretary of the Navy shall be—

Secretary of native affairs.....	\$5,000
Chief justice.....	5,000
Clerk of the secretary of native affairs.....	2,400
Clerk of the high court.....	2,400

In addition to their salaries the secretary of native affairs and the chief justice shall each be entitled to a furnished house belonging to the Navy of the United States, with the necessary fuel and light.

The salaries of the civilian officials appointed by the Secretary of the Navy shall be paid from the revenues of the United States out of the annual appropriations for the Department of the Navy.

All civilian officials appointed by the Secretary of the Navy shall be entitled to transportation for themselves, their immediate families, and their household effects, from their homes in the United States to American Samoa on being ordered to duty, and from American Samoa to their homes in the United States, upon the completion of their duties.

No officer of the Navy of the United States shall receive compensation above or beyond his pay and allowance as an officer of the Navy for any service rendered as an official of the government of American Samoa.

## COMMENTS ON PROPOSED ORGANIC ACT

1. *The title "American Samoa".*—These islands have been known officially as "American Samoa" ever since the President of the United States issued a new commission to Governor Crose as "Governor of American Samoa," dated October 24, 1912.

The joint resolution of Congress, approved February 20, 1900, accepting the cessions of the islands, uses the title "Eastern Samoa." I can see no good reason for this except that perhaps it was not thought advisable to use the title "American Samoa" in a joint resolution the purpose of which was to make the islands legally American. Congress has, however, several times, in both act and joint resolution, used the title "American Samoa."

The remainder of the Samoan group, located to the westward of American Samoa, now administered as a mandated territory of the League of Nations by New Zealand, through Great Britain, is called "Western Samoa." These islands had previously been known, since February, 1900, as "German Samoa."

The Samoan people are accustomed to the name "American Samoa," and I feel sure that they do not desire any change.

The use of the title "territory of American Samoa" would be most misleading and dangerous. The phrase "territory of the United States" brings to mind a type of government, and a point of view, which have absolutely no place in the discussion of a government for the people of American Samoa. The situation in Samoa is unique. The people are primitive, but very amiable. They become savage only when deeply aroused, and no event has taken place during our occupancy to incite any latent savage instinct. They are like grown-up, intelligent children who need kindly guidance; but who need, most of all, to be let alone. Therefore, a territorial type of government, as we understand it, would result only in disaster to both governed and governors.

2. *Government.*—In the deeds of cession, Tutuila (1900) and Manua (1904), the United States Government assumed certain very plain responsibilities toward the people of American Samoa. The cession of Manua was delayed because the beach-combers residing in Manua had killed the Tuimanua (King of Manua) with the fear that, if the islands were ceded, the natives would lose their land.

We have carefully respected the brief "bills of rights" contained in the two deeds of cession:

(1) We have preserved the customs of the Samoans which were not violations of public morality or public decency.

(2) We have recognized the rights of the chiefs in their separate villages.

(3) We have respected and protected the individual rights of the people to their lands and other property. We have forbidden the alienation of native lands to nonnatives.

It is perfectly safe to say that in carrying out the conditions made by the chiefs in the cessions of the islands we have been more thorough than the Samoans themselves would have been. The Samoans are easily misled, and there is no stability in their views on any subject.

The motto of the government of American Samoa has always been: American Samoa for the American Samoans. We have refused to permit the people to be exploited by the whites and half castes. The same policy exists in Western Samoa, where it has been publicly proclaimed, with the approval of the Government of New Zealand, that, when the interests of the natives and of the whites are in conflict, the whites must yield, as they are in such a small minority.

The small number of malcontents who now compose the "Mau," or "Union," are little more than mouthpieces for outsiders, whose sole desire is not to help the Samoan people but to exploit them to their own profit.

If the principle be accepted that Samoa is for the Samoans, then the United States Government has built a monument of good works in American Samoa. The living conditions and the health of the people have been improved; the population is increasing; the country is, in the main, more than satisfied, and is prosperous. The natives of the Fiji Islands are dying out, to the joy of the rulers who are exploiting them in favor of the East Indians. The Marquesans, whom Robert Louis Stevenson called "certainly the most beautiful of human races," have been enfeebled by epidemic disease. Western Samoa shows an increase in population and an improvement in the quality of the Samoans, and the policy of Western Samoa is now: Samoa for the Samoans.



The land question presents the most serious problem in American Samoa, a problem which goes hand in hand with that of citizenship. If half-castes and whites are permitted to own land, it will not be long before the aboriginal people of American Samoa will be deprived of their land, after which their extinction will be only a matter of time.

In my opinion, the Samoans are the happiest people in the world. Nature has been good to them, or, as they themselves say, "God is good to Samoa." They are so far from the turmoil of so-called civilization that they seem to live in a carefree world of their own. Their islands are small and very mountainous—almost on end—so that there is little cultivable land. Outsiders could gain little by exploiting the natives, but the natives would lose their all.

I firmly believe that the Samoans have the best possible government. The small minority composing the "Mau," or "Union," say that they want civil government, but they can not really tell just what they want, or why they want it. It is plain that in addition to being the mouthpieces of self-seeking outsiders, they hope that, with civil government (?), they will get more from the United States than they are now getting. With the bars let down, the outsiders expect to hold the offices and own the land. The people of American Samoa have now the best possible government because they are governing themselves. The first naval commandant, in 1900, was wise enough to accept the then existing conditions, which he gradually embodied into law. Changes have come almost entirely from the Samoans themselves. They now have civil government; that is, self-rule, under the Navy Department. They govern; the Navy Department merely administers.

3. *Citizenship.*—Citizenship and the land question are intimately bound together. Aboriginal natives alone are to be citizens because the government of the islands must be kept solely in their hands if they are to survive.

The people of American Samoa are, at present, not at all prepared to become citizens of the United States; and have given the subject little or no thought. Authority by law to live permanently in the United States, if they so choose, will pave the way to American citizenship for those so minded.

4. *Governor.*—Some of the agitators shriek that the Governor of American Samoa is a despot, and that no man is good enough to be his brother's keeper. The governor is not an absolute despot, because he is responsible to the Secretary of the Navy and to the President of the United States. His monthly and annual reports keep the Navy Department fully informed of all events and of all changes in the law. He makes the laws, but he must obey them as long as they are laws. An examination of the "Codification of the Regulations and Orders for the Government of American Samoa" will prove that the changes made since 1900 have been largely administrative, due to the gradually improved organization of the government, and that the traditional customs of the people have been hardly touched except at the request of the Samoans themselves, and also when it was necessary to suppress wanton customary destruction of property, and indecency. No better proof could be given that their customs have been protected, and that their rights, individual and collective, have been respected and protected.

Any weakening of the power of the governor would be disastrous. The unfortunate unrest which has existed in Western Samoa for more than three years is due to the attempt on the part of the three elected members (one half-caste and two whites) of the legislative council, and their supporters, to exploit the Samoans for their own selfish ends, while, of course, claiming to be working for the general good. It shows what a legislative council can do, not for, but to Samoans. Somewhat over two years ago, one white and one half-caste member of the legislative council and another white agitator were banished for periods of 2, 5, and 3 years, respectively. At the end of last December, the white member who had been banished for two years returned to western Samoa, his period of exile having expired. The "Mau" held a great parade in celebration of his return. Certain Samoans, wanted by police, took part in the parade, though they had been warned by the police not to do so. The police attempted to arrest them. In the ensuing riot a white constable was killed and also seven natives, among whom was Tamasese, the bearer of a royal name, who had recently returned from imprisonment in New Zealand.

When I was governor of American Samoa, the administrator of Western Samoa informed me in person that his difficulties were due to lack of power. He was an appointee of the Governor General of New Zealand, to whom he was responsible; he was also responsible to the Secretary of Exterior Affairs, New Zealand, and to the League of Nations to which he had to make an annual

report in reply to definite questions. The administrator said to me, in a tone of envy and regret: "If I had your power I could straighten things out immediately."

An executive council (except as a merely advisory body) and an elected legislative assembly, would be worse than absurd in American Samoa. Governor Moore (1905-1908) tried to institute elections; he abandoned the effort as hopeless. The influence of the chiefs is so great, even now, that a voter would be a voter in name only; the chief would decide.

No vice governor is provided for. None is needed. If a permanent vice governor were to be appointed he would be the captain of the yard of the naval station, who is the line officer next in rank to the governor. He would take permanent precedence over the secretary of native affairs, who is the intermediary between the governor and the people of American Samoa. Normally, the captain of the yard has no official relations, off the naval station, with the people of American Samoa; his appointment as vice governor would lessen the prestige of the secretary of naval affairs with the people of American Samoa. It would serve no useful purpose. In 1924 and 1925, two captains of the yard demanded that they be given this precedence in island government affairs. In 1925 the question was settled by the Navy Department in favor of the existing custom of having the secretary of native affairs follow the governor in precedence in all matters connected with island government affairs.

H. F. BRYAN,

*Governor of American Samoa from March 18, 1925 to September 9, 1927*

Approved February 24, 1930.

E. S. KELLOGG,

*Captain United States Navy, Retired.*

HARRY P. WOOD.

#### REMARKS ON AMERICAN SAMOA IN CONNECTION WITH PROPOSED ORGANIC ACT

American Samoa is a problem quite different from that of any of our other island possessions. This is due primarily to the fact that the islands were not obtained by purchase or conquest but were ceded to the United States by the aboriginal native population for the purpose of obtaining protection. The population is almost entirely made up of aboriginal natives and the nonnative element is too small to be entitled to much influence upon the situation.

Our civilization has obtained very little hold upon American Samoa and it should not be forced upon it. The population is racially, and the country geographically, topographically, and climatically unsuited to our civilization; while on the other hand the native civilization and general communistic system, a development of hundreds of years, is admirably suited to the existing conditions and the very limited natural resources of the country and should be fostered.

The total working population does not exceed 3,000 men, approximately 1,000 to each of the three districts into which the country is divided. This force provides food, gathers the copra crop (which has never exceeded 1,800 tons), does a small amount of work on the naval station, including the loading and unloading of all cargoes, builds the native houses and native boats, and does all the work of building and maintaining the roads. It is not capable of doing much more.

The area of land suitable for cultivation is very small; not much more than sufficient to maintain the present population.

Further economic development must be along the lines of increasing production to meet the needs of the rapidly increasing population, but should not be along the lines of exploitation.

Exploitation could not possibly be carried on profitably without the importation of alien labor; and it is most probable that any attempt at exploitation of American Samoa is doomed to failure even with imported labor because of the extremely small scale upon which such operations would have to be conducted. Furthermore, by the time this fact has been established to the satisfaction of those engaging in exploitation, the aboriginal native population will, without question, have been exterminated.

The population, except for a very small group, is contented, happy, and satisfied with existing conditions and the manner in which the government has been conducted for the past 30 years.

The discontented group is but the mouthpiece of a group of nonnatives living in Samoa, Honolulu, and the United States whose main objective is the exploitation of American Samoa at the expense of the aboriginal natives.

## **EXHIBIT 6**

# The Forgotten *Mau*: Anti-Navy Protest in American Samoa, 1920–1935

DAVID A. CHAPPELL

*The author is a member of the department of history at University of Hawai'i, Manoa.*

The Samoan people object to have Samoa ruled by the Navy for 10 or 30 years more while the chiefs of Samoa are being educated for the purpose of conducting their own government affairs. The education of the Samoan people at present is sufficient to take care of their own affairs. The Navy rule must cease.

The *Mau* Committee, American Samoa, 1930<sup>1</sup>

Eastern Samoa has been a United States territory since 1899, yet its *Mau* (public opposition) against Navy rule in the 1920s is all but forgotten. This historiographic gap is striking because, in neighboring western Samoa, a *Mau* against New Zealand rule from 1926 to 1935 has become a symbol to those who seek to narrate long-term nationalism that culminated in independence in 1962.<sup>2</sup> No such revisionism has so far resur-

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Readers may consult appendixes 1–3, which provide a glossary of Samoan terms, a list of chiefly titles, and a list of naval governors for the period under consideration.

1. Letter from the *Mau* at Nu'uuli, Tutuila, to the U.S. Congressional Commission, Aug. 18, 1930, Exhibit 6, Hearings in Honolulu, Sept. 18–20, 1930, in *American Samoa: Hearings Before the Commission Appointed by the President of the United States, in Accordance with Public Resolution No. 89, 70th Congress, and Public Resolution No. 3, 71st Congress* (Washington, D.C., 1931), hereafter cited as *Hearings 1930*.

2. Western Samoa shortened its name to Samoa in July 1997, to remove a modifier that enshrined the colonial partition of the archipelago. In the 1980s sev-

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rected American Samoa's *Mau*, despite the fact that indigenous protest finally pushed the U.S. Congress to ratify its annexation treaties of 1900–1904 after a quarter-century of *de facto* Navy administration. The generation that directly experienced the *Mau* has generally passed on now, and secondhand memories often conflate their own *Mau* with its western Samoan counterpart.<sup>3</sup> Even a play written in 1992 by a part-Samoan simply has its American Samoan characters react to news of events across the border without mentioning the contemporary protests in the very district where they lived.<sup>4</sup> There is, however, a brief, dismissive chapter on the eastern *Mau* in a public school textbook, adapted from naval historian J. A. C. Gray's *Amerika Samoa*, which attributes the protests to the style of a particular commandant and says that the movement died out when "the Naval administration proved willing to listen."<sup>5</sup>

One reason for the lack of hagiography about their *Mau* in American Samoan thinking may be that their country is still a U.S. territory, by choice. The *Mau* was a protest against arbitrary U.S. Navy rule, not a demand for independence, and it led to changes that eventually gave American Samoans a significant degree of local authority over decision making, as will be seen. This outcome suggests that ending colonialism may not necessarily mean separation, but, rather, improved relations between outsider and insider, based on equitable rights and local agency. In 1960 the United Nations suggested three ways to decolonize: sovereign independence (often seen as the proper end result); free association (self-government with ongoing ties to the colonizer, as in Micronesia); or integration into the former colonizer

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eral works reexamined its nonviolent protest movement, such as Michael Field, *Mau: Samoa's Struggle for Freedom* (Auckland, N.Z., 1984), K. Etuati, "Evaevaga a Samoa: Assertion of Samoan Autonomy" (Ph.D. dissertation, Australian National University, 1982); Peter Hempenstall and Noel Rutherford, *Protest and Dissent in the Colonial Pacific* (Suva, Fiji, 1984), chapter 1; and Malama Meleisea, *The Making of Modern Samoa: Traditional Authority and Colonial Administration in the Modern History of Western Samoa* (Suva, Fiji, 1987), chapter 6.

3. Interviews by the author in American Samoa, with Chief Savusa of Nu'uuli, June 1997, and with Carmen Pita, June 1995.

4. John Kneubuhl, *Think of a Garden and Other Plays* (Honolulu, 1992), first play.

5. Daniel Pritchard, *The Naval Administration in American Samoa, 1900–1951* (Pago Pago, n.d.), 60. See also J. A. C. Gray, *Amerika Samoa: A History of American Samoa and Its United States Naval Administration* (Annapolis, 1960), chapters 27, 28, and 30.



(e.g., as a state, like Hawai'i).<sup>6</sup> The unusual status of American Samoa today, as an unincorporated, unorganized territory whose people are U.S. *nationals*, but not U.S. citizens, is a product of long-term renegotiations of power relations with Washington, of which the most dramatic, militant episode was the 1920s *Mau*.

Recent studies of indigenous resistance in the Pacific suggest that the structures of colonial projects are not monolithic but, rather, variably mediated in day-to-day interactions by multiple actors. Even a so-called "lazy native" is exercising the option to carry out alien orders poorly.<sup>7</sup> Anticolonial protest could thus take many forms, from overt to subtle. What they all had in common was opposition to unfair domination: "protest involves positive actions to bring about change in a system."<sup>8</sup> Ranajit Guha has summed up colonial power hierarchies with the phrase "dominance without hegemony": Colonizers enjoyed dominance based on a combination of coercion and persuasion, but subordinates had their own forms of agency, such as collaboration and resistance. True hegemony would resemble the Foucaultian notion of "omnipresent" power, and it thus needed significant collaboration; that is, persuasion outweighed coercion.<sup>9</sup> Guha argues that the daily interplay (and color bar) between rulers and ruled left room for each side to be at least partly autonomous, like intimate strangers. Similarly, Malama Meleisea, the noted western Samoan historian, has written of the lack of "fit" between a Euroamerican-style bureaucratic state structure and Samoan chiefly politics, adding that when foreigners raised their flag, "Samoan etiquette . . . demanded that politeness and hospitality be shown to visitors, even in times of

6. See Sue Roff, *Overreaching in Paradise: United States Policy in Palau since 1945* (Juneau, Alaska, 1991), 15–23.

7. See Brij Lal, Doug Munro, and Edward Beechert, eds., *Plantation Workers: Resistance and Accommodation* (Honolulu, 1993), introduction, which draws on James Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, Conn., 1985), and Nicholas Thomas, *Colonialism's Culture: Anthropology, Travel, and Government* (Princeton, N.J., 1994).

8. Hempenstall and Rutherford, *Protest and Dissent in the Colonial Pacific*, 2. See also Roger Keesing, *Custom and Confrontation: The Kwaio Struggle for Cultural Autonomy* (Chicago, 1992).

9. Ranajit Guha, *Dominance without Hegemony: History and Power in Colonial India* (Cambridge, Mass., 1997), 3–23. See also Michel Foucault, *The History of Sexuality: An Introduction*, trans. Robert Hurley (3 vols., New York, 1990), 1: 92–95.



conflict. Such hospitality did not necessarily indicate friendship."<sup>10</sup> Exploring the causes, politics, and outcome of the American Samoan *Mau* can thus shed light on the nature of anticolonial protest.

### Issues of political legitimacy in American Samoa

In the late nineteenth century, economic and strategic interests embroiled Germany, Britain, and the United States in wars among Samoan chiefly alliances, but despite recurring efforts to create a puppet "king" whom they could agree to manipulate, the foreign powers' own rivalries added to the disorder. The last pretender, Mata'afa Iosefo, blamed "evil and designing white men" for creating the need for "a new and stable government for Samoa."<sup>11</sup> In other words, outsider meddling had helped to *de*-stabilize Samoa, providing a pretext for colonial partition. The U.S. Navy had shown strategic interest in spacious Pago Pago Bay on the island of Tutuila as early as 1872, when the U.S. minister to Hawai'i had sent Commander Richard Meade on the U.S.S. *Narragansett* from Honolulu to negotiate a treaty with the local high chief. Meade charted the water and secured exclusive permission to rent land for a coal- ing station in return for "the friendship and protection of the great government of the United States."<sup>12</sup> This first treaty was not ratified by the Senate, but another in 1878 was, opening two decades of entanglements in the Samoan archipelago without producing a naval coaling station.

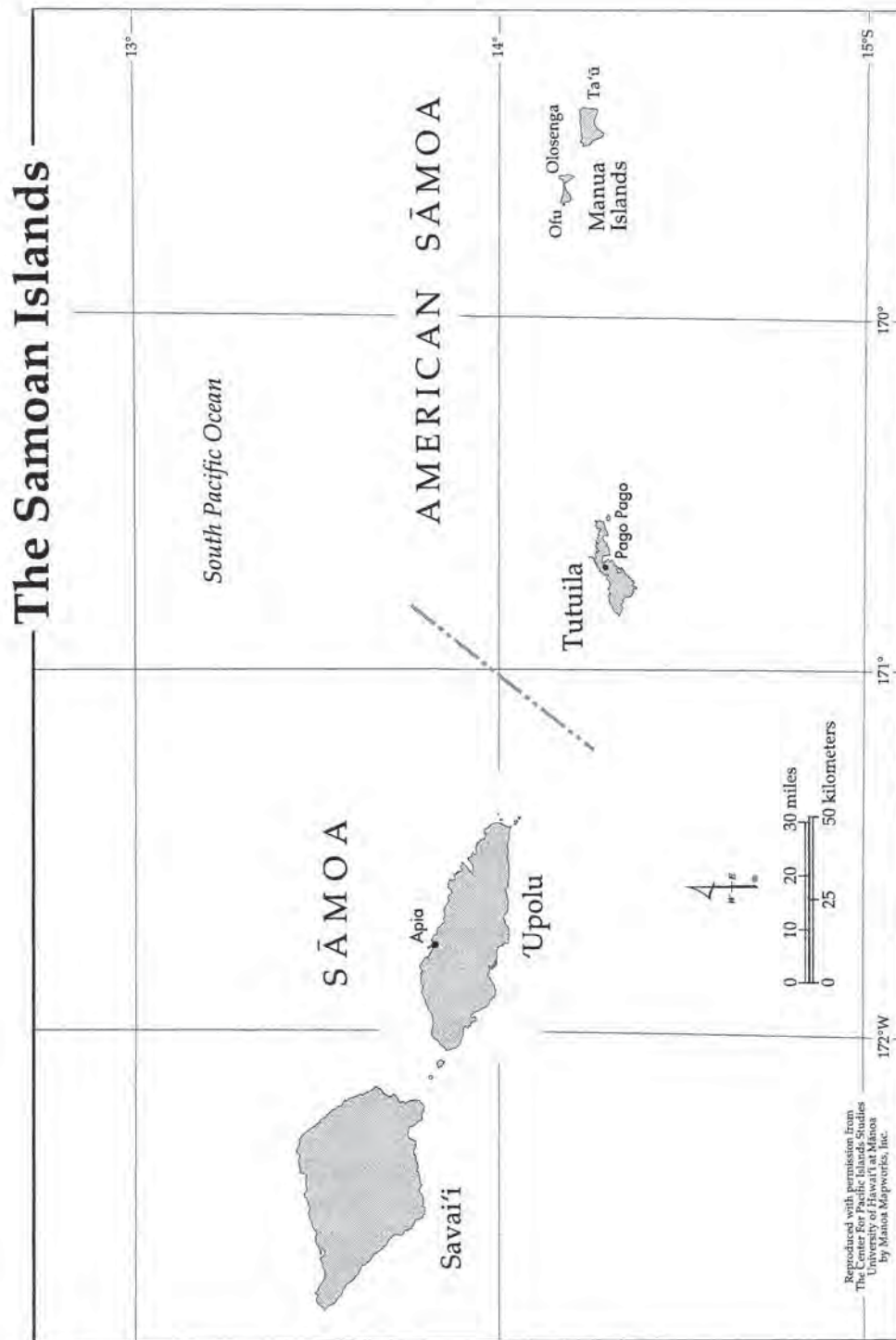
American interest in Pago Pago increased in 1898, after the United States seized Guam and the Philippines from Spain and annexed Hawai'i and Wake Island. Captain Alfred Thayer Mahan, who taught at the recently created Naval War College and wrote books on sea power in history, had helped to stimulate a revival of naval construction and strategic planning. The Naval War Board, on which he served,<sup>13</sup> found the location of Pago Pago "so suitable in case of operations in that quarter, that . . . political possession of the whole island in which the port is, or

10. Meleisea, *Making of Modern Samoa*, 105.

11. R. P. Berking, *The Cyclopedia of Samoa* (Sydney, Australia, 1907), 25.

12. Gray, *Amerika Samoa*, 58.

13. Clark Reynolds, *Command of the Sea: The History and Strategy of Maritime Empires* (New York, 1974), 413–421.



*Figure 1.* Map of the Samoan Islands. Reproduced with permission from The Center For Pacific Island Studies, University of Hawai'i, Manoa, by Manoa Mapworks.



at least of ground sufficient for fortifications, is desirable."<sup>14</sup> As Britain and Germany sorted out their rival claims to western Samoa, U.S. Secretary of State John Hay welcomed the opportunity to acquire "the Gibraltar of the South Pacific."<sup>15</sup> The Washington Convention of 1899 partitioned the Samoan islands into two colonies, the west under Germany, which had plantations there (New Zealand later seized the west from Germany in World War I), and the east under the United States, which finally got its coaling station.

Like Guam, Samoa came under U.S. Navy rule for half a century, but the regime in Pago Pago was ambivalent from the start. The United States conveniently abrogated its 1878 recognition of Samoan sovereignty, yet the Deed of Cession signed by Samoan chiefs on Tutuila in 1900 (and Manu'a in 1904) contained a paradox reminiscent of Guha's dominance without hegemony: It granted protective sovereignty to the United States while at the same time empowering chiefs to control their own villages and districts according to the *fa'a Samoa* (traditional custom). This dualistic structure of indirect rule has been summed up by Fofu Sunia, a former Samoan delegate to Congress:

Two ideals are held fast in American Samoa: (1) American Samoa is American, and all improvements in its political status must be made against that background; (2) American Samoa is also Samoan, and as such the people must continue to have and enjoy their customs and traditions.<sup>16</sup>

The fundamental question was whether U.S. naval commanders, who rotated on very short terms of office, would manage to harmonize strategic interests (and their own authoritarian style) with indigenous Samoan ways of governing.

14. Quoted in Paul Kennedy, *The Samoan Tangle: A Study in Anglo-German-American Relations, 1878–1900* (New York, 1974), 143.

15. *Ibid.*, 253. Ironically, even at the time critics pointed out that American strategic interests lay mainly in the northern Pacific, whereas Pago Pago was on the shipping route to Australia. No U.S. warship had called there for twelve years. The harbor did get some use in World War II, although other bases across the region, in allied colonies, were just as important. The closure of the naval station in 1951, as the Cold War was turning the northern Pacific into a key strategic zone, demonstrates that the acquisition of Pago Pago was almost anachronistic when it happened.

16. Fofu I. F. Sunia, "American Samoa: Fa'a Amerika?" in Malama Meleisea, ed., *Politics in Polynesia* (Suva, Fiji, 1983), 126.



Precolonial Samoa, according to Meleisea, had a “unitary system of dispersed power.”<sup>17</sup> Despite a common language and culture and oral traditions of unity, first under a divine monarch, the Tui Manu’a, and later under a titled *tafa’ifa*, political legitimacy usually rested in a complex hierarchy of titled chiefs, whose basic unit was the village council. This decentralized but dynamic system was enshrined in oratorical “constitutions” called *fa’alupega*: “The national *fa’alupega* of Samoa recognises firstly the local polities and districts through their principal orator groups, then the two most important districts not represented by the former, and finally the descent groups or *aiga* (families) of Samoa through their highest ranking titles.”<sup>18</sup> It would be a challenge for any foreign ruler to understand, let alone master, the intricacies of the *fa’a Samoa*.

In addition, the legality of U.S. authority in Samoa was problematic. President William McKinley had authorized Navy rule in February 1900, almost two months before the Deed of Cession, or “gift” in Samoan eyes, was actually signed by the chiefs of Tutuila. The Tui Manu’a, king of the outer district, did not at first sign it, because “he regarded himself, he said, as sovereign of a sovereign state,” but the U.S. Navy informed him, “whether you come or not, the authority of the United States is already proclaimed over this island.”<sup>19</sup> Clearly, the U.S. executive branch regarded the Washington Convention with Germany and Britain as all the rationale it needed to assert its sovereignty over Samoa, despite lip service paid to treaties with indigenous leaders. In fact, Commander Benjamin F. Tilley, who negotiated the Deed of Cession and first raised the U.S. flag over Pago Pago, persuaded Tutuila chiefs to sign what he called the “Instrument” but did not sign it himself. Then the U.S. Congress did not ratify the Deed of Cession until 1929, making American Samoa an *ad hoc* possession cloaked in false legitimacy. When expedient, Tilley and his successors would use intimidation, including the arrest of protesters, to impose their authority on

17. Meleisea, *Making of Modern Samoa*, 1.

18. *Ibid.*, 2.

19. Gray, *Amerika Samoa*, 108–110. See also Arnold Leibowitz, *Defining Status: A Comprehensive Analysis of United States Territorial Relations* (Dordrecht, Netherlands, 1989), 414–415.



eastern Samoa.<sup>20</sup> Tilley simply decreed that the naval commandant “for the time being” was head of government, in effect declaring martial law.<sup>21</sup>

The Deed of Cession states explicitly that it became necessary for the United States to assume control only when internal disorder had undermined earlier commitments to recognize the sovereignty of “the Samoan group of islands as an independent State.” The text admits that partition “severed” American Samoa “from the parent State” (i.e., the entire archipelago), but the United States promised to provide peace, public welfare, “good and sound government,” and protection of “the rights and property of the inhabitants.” Extended families would retain communal ownership of their lands, and “The Chiefs of the towns will be entitled to retain their individual control of the separate towns,” as long as they did not hinder “the advancement of civilization of the people.”<sup>22</sup>

But what did “civilization” mean to Euroamericans? Scholars have traced the concept back to a late medieval notion of civility, or internalized social constraint, which aristocrats developed to distinguish their own behavior from that of less refined lower classes. By the Enlightenment era of the late eighteenth century, European intellectuals regarded civilization as a stage of social evolution beyond barbarism or savagery in which rational laws replaced uncontrolled passions and stable, humane order mastered primitive chaos. In the late nineteenth century, a “civilizing mission” was used to justify colonization,<sup>23</sup> and even the relatively progressive discourse of the League of Nations Covenant in 1919 assumed that European control of na-

20. Edward Michal, “American Samoa or Eastern Samoa? The Potential for American Samoa to Become Freely Associated with the United States,” *The Contemporary Pacific* (1992), 144–149.

21. Eni F. H. Faleomavaega, *Navigating the Future: A Samoan Perspective on U.S.-Pacific Relations* (Suva, Fiji, 1995), 36–37.

22. *Ibid.*, Appendix, “Treaties, Cessions and Federal Law,” 125–129. For the Samoan text of the Deeds, see Gray, *Amerika Samoa*, 112–117.

23. Peter Burke, *A New Kind of History from the Writings of Febvre* (New York, 1973), chapter 10; Emile Beneviste, *Problems in General Linguistics* (Miami, Fla., 1971), chapter 28; Norbert Elias, *The Civilizing Process: The History of Manners and State Formation and Civilization*, trans. by Edmund Jephcott (1939; Oxford, Eng., 1994); C. Stephen Jaeger, *The Origins of Courtliness: Civilizing Trends and the Formation of Courtly Ideals, 939–1210* (Philadelphia, 1985). Sigmund Freud said repressive conformity caused neuroses, in *Civilization and Its Discontents* (New York, 1962).



tive others constituted “a sacred trust of civilization,” whereby “advanced nations” would look after the welfare of “peoples not yet able to stand by themselves under the strenuous conditions of the modern world.”<sup>24</sup> Non-European peoples were presumed to lack sovereignty to begin with, because they lived, by imperial definition, in an unordered “state of nature.”<sup>25</sup>

The notion of “civilization” thus carried within it distinctions of class and culture that in practice disenfranchised indigenous peoples of the right to rule themselves, implying that assimilation was necessary. As will be seen, the *Mau* wanted something akin to the idea of civility in its relations with the U.S. Navy, meaning respect for Samoan protocol and the provisions of the Deeds of Cession. As early as 1902 Captain Uriel Sebree, the second naval commandant in Pago Pago, wrote, “The natives are naturally very suspicious of white men. . . . They are, in many ways, like children . . . the Samoan is naturally lazy.”<sup>26</sup> Yet who is “naturally” the protagonist or antagonist in this text? Behind the writer’s patronizing condescension, we could also read cross-cultural questioning and calculating noncooperation on the part of “American” Samoans. In fact, Sebree actually admitted, “The form of government is such that the Samoans practically govern themselves.” What, one might ask, was he doing there? He went on to explain, “[I]t is not the purpose of the U.S. to take their lands, or to tax them, or to do anything but hold this Harbor.”<sup>27</sup> Add to this priority the fact that U.S. naval officers were used to a shipboard chain of command, and it is clear that the subtleties of the *fa’a Samoa* might challenge their concept of order.

Samoans had developed their cultural identity over many centuries of interaction with nearby island groups, and they clearly had a system of protocol. The *fa’a Samoa* was based on the selection of titled chiefs (*matai*) from extended families: A

24. John Bodley, *Victims of Progress* (Mountain View, Calif., 1990), 15.

25. Lynn Miller, *Global Order: Values and Power in International Politics* (Boulder, Colo., 1990), chapter 2.

26. Commandant Uriel Sebree to Secretary of the Navy, Annual Report, Aug. 9, 1902, Office of the Secretary of the Navy, General Correspondence, File Nos. 3931 (1897–1926) and EG53/A 9-10 (1927–1930), on Microfilm T1182 in Records of the Government of American Samoa, Records Group 284, National Archives (hereafter cited as OSNGC, RG 284).

27. Sebree to Secretary of the Navy, Aug. 8, 1902, *ibid.*



*matai* administered the family lands and addressed other matters in village and district councils (*fono*). The organizing principle of the system was respect, *fa'aaloalo*, which was earned through service. Showing *fa'aaloalo* even required a special vocabulary: "[F]ormal language plays an essential part in expressing this respect. From the simplest of relationships between the young and the old, respectful language extends to its most complex patterns of speech in oratory between one *matai* and another."<sup>28</sup> *Fono* meetings and exchanges required the use of certain honorific terms and phrases, especially on the part of orators, who conferred titles on chiefs and ordered society with their *fa'alupega* speeches. Besides offering an impressive feast to his supporters, a chief who acquired a title had to pass muster in protocol:

On the appointed day the new *matai* will enter the council meeting, sit at the house post reserved for his title, drink kava in the order of his new rank, and then will be expected to deliver a speech, known traditionally as the *a'a ti*. This is, so to speak, the *matai*'s first test within the village council. In it he is expected to show his wisdom and his grasp of oratorical protocol and expertise in turning a phrase or alluding to a mythological or legendary event appropriate to the occasion. It is said that in old Samoa if the chiefs found this speech lacking in quality they would refuse to recognize his right to sit in the council. . . . After the new *matai* has had his say, his fellow chiefs will also give speeches in the order of their rank, each imparting a bit of advice to the novice.<sup>29</sup>

A *matai* had to take on behavior suited to a man of responsibility, someone who served his family and community selflessly. In 1928 one complained,

always, I must act as if I were old. I must walk gravely and with measured step. I may not dance except upon most solemn occasions, neither may I play games with the young men. Old men of sixty are my companions and watch my every word, lest I make a mistake. . . . It is hard to be so young and yet be a chief.<sup>30</sup>

28. Galumalemana Afeleti L. Hunkin, *Gagana Samoa: A Samoan Language Coursebook* (Auckland, N.Z., 1992), 19.

29. Lowell Holmes, *Samoa Village* (New York, 1974), 21.

30. *Ibid.*, 22.



Above the village *fono* level were district councils, where powerful orator groups bestowed the highest titles on *ali'i* (chiefs) with the most prestigious pedigrees (nurtured as in Europe by political marriages and other elite rituals). In short, Samoans already had an ancient civilization of refined manners.<sup>31</sup>

In both Samoas, the colonizers claimed legitimacy by ruling through "traditional" hierarchies of government-sanctioned chiefs, a form of indirect rule that relied on the ceremonial trappings of the *fa'a Samoa* at the local level. Yet the "model" German governor of western Samoa, Wilhelm Solf, aroused a *Mau a le Pule* protest movement because, according to Meleisea, "Solf was determined that his administration would be the source of recognition of high rank and chiefly authority, and not the Tumua and Pule [traditional orator groups]."<sup>32</sup> When the New Zealand military took over in 1914, it found that "after fourteen years of German rule the strength of traditional power bases had been greatly eroded,"<sup>33</sup> yet it too incurred a *Mau* because, as Colonel Stephen Allen complained, "The Natives seem to have acquired the impression that the country was to be governed entirely in their interests [as shown by] their sense of importance, and beliefs in their capacity to do anything whatever that the white man could do."<sup>34</sup> This ironic revelation reminds us of the pride in Samoan political skills expressed by the *Mau* quotation at the beginning of this essay. When it came to etiquette, behind presumed Samoan compliance lay a critical gaze. The story of the *Mau* protests in Samoa invites the ultimate question: Who was civilizing whom?

Colonial government was an overlay, a simulacrum of central authority that cohabited uneasily with Samoan traditions. In 1901 Secretary of Native Affairs (SNA) E. W. Gurr noted how popular Commander Tilley was as the first commandant. He "went among the people" by boat and by trail to consult with them in a manner "courteous, kind and considerate . . . after

31. Samoan migrants overseas, living in urban ghettos in the United States or New Zealand, have sometimes had a more negative stereotype, but people who know the *fa'a Samoa* argue the reason is that they are uprooted from their traditional context and competing with other alienated poor.

32. Meleisea, *Making of Modern Samoa*, 50.

33. *Ibid.*, 105.

34. Quoted in Field, *Mau*, 53.



their own fashion." Such diplomacy was wise, Gurr said, because, "The haughty and warlike chiefs . . . were at first inclined to dictate and to assume an aggressive attitude."<sup>35</sup> The Tui Manu'a, traditional ruler of the outer islands, finally signed a Deed of Cession in 1904, after reassurances about land ownership and improved education. Tilley had promised the chiefs to uphold their authority, so he appointed the Mauga, Tuitele, and Tui Manu'a as district chiefs, made the other high chiefs county chiefs, placed the orators in the role of judges at every level except High Court Judge (a position held by the SNA), and banned sales of native land, although he allowed forty-year leases. To generate revenue beyond Navy salaries and harbor payments, Tilley also levied a customs duty on imports, which was paid almost entirely by Samoans shopping in local stores, and he charged local traders license fees. The courts supported themselves through fines, missionaries built and ran the schools, and little or no money was allocated for road construction. The Navy also hired a Samoan police force, the *Fita Fita*, which along with dock and boat work in the harbor became a new source of cash income. In 1902 some chiefs proposed an additional tax to pay the salaries of native officials, so the Navy government marketed local copra: It took bids from expatriate firms, kept 60 percent of the profits for administrative salaries, and returned the rest to the growers.<sup>36</sup>

Yet friction between Navy policies and the *fa'a Samoa* appeared even before the Tui Manu'a signed his Deed of Cession. In 1901 Mauga Moi Moi, high chief of Pago Pago harbor district, provoked a dispute with the Tui Manu'a; to keep the peace, Commandant Sebree intervened in favor of the lower-ranking but collaborative Mauga.<sup>37</sup> The next year some Samoans resisted the copra tax, most notably in Tualauta County (in the western district of Tutuila Island, a future hotbed of the *Mau*), but Sebree arrested three chiefs to intimidate their followers. He

35. E. W. Gurr to Secretary of the Navy, Nov. 18, 1901, OSNGC, RG 284.

36. Gray, *Amerika Samoa*, 150–157.

37. Gurr enclosure in Sebree to Secretary of the Navy, May 13, 1902; Sebree to Secretary of the Navy, April 26, May 17, 1902, all in OSNGC, RG 284, Gray, *Amerika Samoa*, 140–149. At issue was a *kava* ceremony attended by the Mauga on Ofu, in the Tui Manu'a's district, in which a title reserved for the latter was accorded to the visitor. Tui Manu'a Elisara arrested three participants, and pro-Mauga chiefs gathered together 250 warriors in preparation for battle.



also fired a Samoan judge who had dared to petition the Navy in protest.<sup>38</sup> Sebree called the Samoans “grown-up children [who] love form and ceremony,”<sup>39</sup> and he complained that some high chiefs asked him what the Navy intended as a form of government. He interpreted this as a need for congressional recognition of annexation, although the Samoans might simply have been questioning his arbitrary behavior. Sebree revealed his siege mentality to the Secretary of the Navy: “The white traders all speak the language, and they, and the natives too, are ‘on the make,’ and the Commandant is constantly fighting them off, and is at a disadvantage on account of ignorance of the language.”<sup>40</sup> Despite such confessed ignorance, the administration began to ban Samoan customs “generally considered wrong by civilized nations” and to intervene in disputes over *matai* titles, usually choosing the candidates who were most cooperative.<sup>41</sup>

In dignified meetings in 1904, chiefs in both the western and eastern districts of Tutuila requested a reduction in the copra tax and questioned how the money was being spent, expressing their solidarity in a *malaga*, an officially “wasteful” form of inter-village visit that had been banned, from Pago Pago to Leone in the western district.<sup>42</sup> By late 1905 Commander C. B. T. Moore, officially the first “governor,” complained that a petition was being circulated asking for “an independent Samoan government, or rather a Samoan government within this government.” On the advice of Solf, his German counterpart, Moore allowed *matai* on Tutuila to choose delegates to an annual territory-level meeting, or Fono, and the Tui Manu‘a could appoint his delegates. Moore claimed the chiefs felt this new Fono was representative,<sup>43</sup> but later testimony by Samoans

38. Sebree to Secretary of the Navy, May 17, 1902; Gurr to Sebree, April 8, 1902; Sebree to Secretary of the Navy, June 30, Aug. 1, 9, 1902, all in OSNGC, RG 284.

39. Sebree to Secretary of the Navy, Aug. 9, 1902, *ibid.*

40. Sebree to Secretary of the Navy, March 17, 1902, *ibid.*

41. Sebree to Secretary of the Navy, Aug. 9, 1902, Jan. 26, Feb. 16, 1903, *ibid.*

42. E. B. Underwood to Secretary of the Navy, Jan. 14, Feb. 4, and May 23, 1904, *ibid.* For rivalry of western and eastern districts, see Gray’s *fa’alupega*, in *Amerika Samoa*, chapter 16.

43. Sebree to Secretary of the Navy, Jan. 26, 1903, Underwood to Secretary of the Navy, April 30, 1904, and C. B. T. Moore to Secretary of the Navy, Oct. 9, 30, 1905, OSNGC, RG 284.



demonstrated that they were frustrated by the way the Fono worked, as well as by the budgetary accounting issue. The problem was that the Samoans could only suggest topics and resolutions, via a chain of command upward from village to county to district, and finally to the annual Fono, at which the governor responded without any spontaneous give-and-take. The Fono was thus less a lawmaking body than a forum for the governor, who had sole power to make laws or veto them.<sup>44</sup> Part-Samoan interpreter Alex Willis explained,

Our chiefs, our high chiefs, they all fear the governor, and those holding positions are all trying to serve the governor and to please the governor, whether in their own minds they know they are not doing right toward their people, but they think if they hurt the feelings of the governor that the governor would discharge them from their position. . . . people say what is the use of making resolutions, the governor does what he wants, that is what the lower class of Samoan people say . . . because their chiefs won't stand up and fight.<sup>45</sup>

For their part, chiefs complained about Navy favoritism and financial corruption. In 1905 Mauga Moi Moi insisted that Governor Moore investigate what had happened to missing copra funds. Moore did so and fired SNA Gurr, who had been keeping the money paid for lower-grade copra for years. Gurr had also made money from customs duties and court fines, and he wielded considerable power in judging disputes over land and *matai* titles.<sup>46</sup> This "closed circuit" nature of the administration was highlighted when a part-Samoan police chief was convicted of stealing government funds: After confessing, he was allowed to keep his job while paying back the money, whereas a critic of the government was stripped of his chiefly title and jailed for embezzlement.<sup>47</sup> In 1917 the Mauga clashed with A. M. Noble, a former clerk who became SNA as well as vice-president of the

44. *Hearings 1930*, 84, 115, 146–147.

45. Alex Willis, in *Hearings 1930*, 246.

46. Mauga Moi Moi, in *Hearings 1930*, 265; Sebree to Secretary of the Navy, Aug. 9, 1902, Underwood to Secretary of the Navy, July 10, 1903, both in OSNGC, RG 284.

47. Edwin Pollack to Secretary of the Navy, March 15, 1922, H. F. Bryan to Secretary of the Navy, Jan. 18, 1927, OSNGC, RG 284; Gray, *Amerika Samoa*, 228; and interview by author with Fai'ivae Apelu in Leone, June 1997.



Bank of American Samoa. As high court judge, Noble disagreed with the Mauga in a decision about building European-style houses around the bay, and he had "a row" with a Leone chief over a *malaga*, but his greatest suspected crime was, like Gurr's, embezzling copra funds.<sup>48</sup>

The 1919 copra crop was the second-largest ever, 1,384 tons, but the world market price had slumped. A San Francisco company won the bid but then rejected the shipment after it arrived, claiming it was of "inferior quality." Noble went to San Francisco to negotiate but apparently either accepted a lower price or kept the difference. In the following year, 1920, only half as much copra, 730 tons, was turned in. It was a Samoan boycott, which stopped copra cutting, road work, and most business in the shops.<sup>49</sup>

### The Mauga's *Mau*

In Samoan, *mau* literally means to hold fast, as in to stick firmly to an opinion; the opposition movement thus became known as *O le Mau*.<sup>50</sup> In the 1920s, on both sides of the colonial border that partitioned Samoa, indigenous chiefs and people protested against the lack of fit between their version of civilization and that of military colonizers. Both efforts succeeded, to some degree, in renegotiating power relations in favor of the *fa'a Samoa*, but the measure of how much was achieved depends partly on what people think caused the *Mau*. Contemporary Europeans tended to blame both *Mau* movements on self-interested 'afakasi (half-castes) or on Europeans who misled gullible natives.<sup>51</sup> Thirty years later, naval historian Gray wrote of the American Samoan *Mau*, "it is impossible to ascer-

48. See John Poyer to Secretary of the Navy, Annual Report 1917, Willis to Warren Terhune, June 28, 1920, OSNGC, RG 284; and the Mauga, in *Hearings 1930*, 265.

49. A. M. Noble to Terhune, July 1, 1919; Terhune to Secretary of the Navy, July 15, 1919, Aug. 1, 1920; Waldo Evans to Secretary of the Navy, July 1, 1921, all in OSNGC, RG 284.

50. G. B. Milner, *Samoa Dictionary* (Auckland, N.Z., 1993), 139. See also, Field, *Mau*, 89, and Meleisea, *Making of Modern Samoa*, 142.

51. See, for example, Felix Keesing, *Modern Samoa: Its Government and Changing Life* (Canberra, Australia, 1934), 152–153, and Field, *Mau*, 75–80, for western Samoa. For American Samoa, see Terhune to Secretary of the Navy, June 21, 1920, and Evans to Secretary of the Navy, Aug. 31, 1921, both in OSNGC, RG 284.



tain which of the Mau's original complaints were Samoan in origin and which were formulated by outlanders."<sup>52</sup> Another thirty years farther on, Meleisea perceived a "continuing struggle by Samoans to defend their system" whenever the colonizers failed to show proper respect, or *fa'aaloalo*, the Samoan measure of civilization.<sup>53</sup>

The narrative of native subjects being incapable of revolt unless outsiders put them up to it is a familiar one in colonial histories,<sup>54</sup> but another spin, in some Navy writing and current Samoan thinking, is that the *Mau* spread across the border from west to east, yet again disempowering American Samoans.<sup>55</sup> In reality, the American Samoan *Mau* started six years earlier, and it mutated, shifting its center from Pago Pago to Leone to Nu'uuli and holding up various leaders as new Navy governors filed through the territory. The eastern *Mau* was never as broad-based or dramatic as the western Samoan version, but the two were in touch by the late 1920s, suggesting a widespread sympathy of interest across borders, if not clear coordination. The conventional explanation for why the western branch was so heroic, while the eastern branch lost momentum, is that, when Samoans protested, New Zealanders massacred them, but the Americans "listened." Gray even credits the sobering alternative of "Black Saturday" in Apia in 1929 with convincing American Samoans "that their lot was better than that of their compatriots."<sup>56</sup> Yet "listening" needed periodic renewal because, as High Chief Tuitele of Leone later testified, "The governor stays down here sometimes only 18 months . . . his time comes to leave be-

52. Gray, *Amerika Samoa*, 195.

53. Meleisea, *Making of Modern Samoa*, 127–128.

54. This patronizing theme is even present in the popular comic film released by South Africa, *The Gods Must Be Crazy* (1980). Besides romanticizing "Bushmen" lifestyles, which are really undergoing destructive change, the filmmakers put a foreigner in charge of rebel "terrorists."

55. Thomas Darden, *Historical Sketch of the Naval Administration of the Government of American Samoa*, April 17, 1900–July 1, 1951 (Washington, D.C., 1952), 5; interview by author with Chief Savusa in Nu'uuli, June 1997.

56. Gray, *Amerika Samoa*, 210, from which Field, *Mau*, 105–106, takes his interpretation. On December 28, 1929, New Zealand troops opened fire with a machine gun on a western Samoan *Mau* march led by a high chief, killing eight, including the chief, and wounding fifty more. The resulting scandal led the Labour Party to investigate and finally legalize the *Mau* as a party. Field, *Mau*, 147–159, and Meleisea, *Making of Modern Samoa*, 126–154.



fore he really understands the ideas of the Samoan people and the way to run the government in American Samoa.”<sup>57</sup>

Gray dates the start of the *Mau* to February 1920, when “so sane a leader as Mauga Moi Moi” called into question the fitness of Noble and his assistant Luther Cartwright to work for the Navy administration. Noble claimed that the copra price that year was the highest ever, at six cents a pound, but Ta’amu, a police officer, testified that such a high price made people concerned “that the Government was stealing the money of the Samoan people.”<sup>58</sup> In other words, if the price was really so high, what had happened to the difference in previous years, like 1919 or perhaps even earlier? Capitalist price fluctuations did not “fit” Samoan exchange ethics. Commandant Sebree had noted opposition to the copra tax from the very start: “The natives . . . have showed suspicion about this tax. . . . They are suspicious of white men and are generally cheated by them.”<sup>59</sup> It may be that people had grudges against Noble from the days before he became SNA. Willis, the ‘*afakasi* son-in-law of Mauga Moi Moi, testified that he had heard the high chief complain bitterly about Noble, saying the judge “did not like the Samoan people.” That was in February 1920. By June the Mauga wanted Noble removed from office and was angry enough to threaten to have him thrown out physically. Two weeks later, the Mauga and High Chief Satele of the western district (who had clashed with Noble over the *malaga*) held a *fono* in Pago Pago, at which the Mauga asked, “Who knows where this money goes?” The meeting continued for several days, as groups of Samoans began to gather on foot and by boat, carrying bush knives and shotguns wrapped in *tapa* (bark cloth). When the Mauga declared, “The Samoan chiefs are the only people that can make the laws,” Governor Warren Terhune banned all *fono*, unsuccessfully.<sup>60</sup> Noble saw the crisis as acute because it was the first time the Samoans had so openly opposed U.S. rule.<sup>61</sup>

57. *Hearings 1930*, 147.

58. Ta’amu, in *Hearings 1930*, 171; Noble to Terhune, July 1, 1919, OSNGC, RG 284; Gray, *Amerika Samoa*, 194.

59. Sebree to Secretary of the Navy, Aug. 9, 1902, OSNGC, RG 284.

60. Terhune enclosures to Secretary of the Navy: Mauga, in *Fono*, July 21, 1920, Depositions by Kenan Young and Warren Ives to Terhune, July 30, 1920, and Deposition by A. B. Hardege to Terhune, Aug. 2, 1920, *ibid.*; Willis, in *Hearings 1930*, 206.

61. Noble to Terhune, Sept. 3, 1920, OSNGC, RG 284.





Figure 2. "A Session of the Mau," c. 1932. Unknown photographer. Courtesy Keystone-Mast Collection (24230), UCR/California Museum of Photography, University of California at Riverside.

Commander Terhune was a particularly unstable administrator who had arrived in June 1919 and, after offending most of American Samoa, committed suicide in November 1920. In a letter to the Secretary of the Navy three months before he shot himself in the head, Terhune wrote of Samoans, "The natives are very charming people, but very childish. . . . [They] are of the STONE AGE and are not capable of managing their affairs with wisdom." Of the Mauga, he said, "He has great power and influence with the Samoans, and is universally known to be



a cunning and crafty old man, with a hand always out for island government funds.”<sup>62</sup> Clearly, Terhune did not recognize the contradiction embedded in those two statements, attributing to Samoans *both* childish impracticality and wily opportunism. In fact, he was so disdainful of the Samoan agitation that he blamed their “virtual revolt” on foreign meddlers, of whom there was no shortage, actually, including a Honolulu newspaper editor, an ‘*afakasi* land-schemer who hired a California lawyer, and two Navy officers who opposed their commander. Yet the provocative actions of outsiders found sympathetic responses among Samoan leaders because of the long process of reverse “civilizing” in which they had been engaged. During the course of the *Mau*, all three districts of American Samoa would become involved, suggesting a need to readjust the internal balance of power, both among Samoan districts and classes, and toward the Navy. It could even be argued that Samoans were exploiting disunity among outsiders to reassert their *fa’a Samoa*.<sup>63</sup>

Another issue was Terhune’s regulation banning marriage between Navy men and Samoan women. Apparently intended to eliminate bigamy, this seemingly racist law insulted the staunchly Christian Samoans, because U.S. Navy personnel had continually failed to take seriously their temporary liaisons with local women, who when abandoned were regarded by their own people as “debased.”<sup>64</sup> At his *fono*, the Mauga referred to “the case of the Samoan girls,” and fifty-eight chiefs later signed a petition accusing Cartwright of intimidating, corrupt behavior toward Samoans, including taking advantage of Samoan girls.<sup>65</sup> Above all, the Mauga accused Noble of misuse of funds and demanded that a board of Samoans audit the handling of tax money. “Samoa is awake now,” he warned, and he even asked publicly, “Where is Samoa’s standing now, in the Navy or under a civil Government?”<sup>66</sup> This last question, coupled with other accusations of discrimination in the relative pay and benefits for

62. Terhune to Secretary of the Navy, July 27, 1920, *ibid.*

63. Interview by author with Professor Pulefaasisina Tuiasosopo at American Samoa Community College, June 1997.

64. Napoleon Samoa Tuiteleleapaga, in *Hearings 1930*, 75; Gray, *Amerika Samoa*, 191–192.

65. Mauga, in *Fono*, July 21, 1920, and Petition by Chiefs, Oct. 18, 1920, both in OSMGC, RG 284.

66. Mauga, in *Fono*, July 21, 1920, *ibid.*



*Fita Fita*, as opposed to regular Navy personnel, showed that the Mauga had acquired a shrewd understanding of the Navy's *ad hoc* situation, including the notion that Samoans did not have the same rights as Americans.

The source of such "inside" information may well have been outsiders, especially the mutual support provided by disaffected U.S. Navy officers in Pago Pago and the 'afakasi Ripley family of Leone and their overseas connections. In late March 1920 Arthur Greene and his wife had arrived from Hawai'i, where he worked as city editor for the *Honolulu Star-Bulletin*. His wife was a niece of Samuel Ripley, who had migrated from Leone to California in 1904, served in World War I, become a U.S. citizen, and worked as an electrician at Mare Island Navy Yard. And Samuel's wife, Madge Ripley, a Californian and college graduate, worked as a secretary to C. S. Hannum, attorney-at-law in Richmond, north of Berkeley. Meanwhile, a sister of Ned Ripley of Leone, Helen Wilson, had married a former Navy clerk turned businessman, was known for her anti-Navy sentiments, and often translated for *Mau* leaders in meetings with the governor. To complete this subversive overseas genealogy, Helen Wilson had been a schoolmate of journalist Lorrin Thurston's daughter in Honolulu; Thurston, like his newspaper colleague Greene, would publicize the failure of Congress to ratify the Samoan Deeds of Cession.<sup>67</sup> Greene most likely spread the word during his visit that Navy rule should be confined to its station in Pago Pago Bay, because Washington had not backed up Tilley with full legitimacy. Greene claimed that the *Mau* had invited him to be their legal counsel, but the Navy accused him of misinforming and misleading Samoans into "unrest."<sup>68</sup>

More colorful than Greene, the lawyer-journalist, however, were two naval officers who sided with the *Mau*. Captain Waldo Evans, Terhune's successor and presiding officer at the inquiry that followed Terhune's death, dated the beginning of the *Mau* to April 1920, when Greene had arrived, and placed equal blame on the two subordinate officers, Lieutenant-Commander

67. Bryan to Secretary of the Navy, Jan. 16, 25, 1926, *ibid.*; Gray, *Amerika Samoa*, 193–194.

68. Text of Proclamation of Court of Inquiry, enclosed to Secretary of the Navy, June 30, 1921, Evans to Secretary of the Navy, July 1, 1921, *ibid.*; Gray, *Amerika Samoa*, 194.



Creed Boucher and Commander Arthur Kail, for causing the problem.<sup>69</sup> Boucher arrived in May and, according to Terhune, had been talking of “taking charge” in Samoa while en route to his new post as Captain of the Yard.<sup>70</sup> Meanwhile, according to Willis, after the Mauga had complained so loudly about Noble, word got around. In May Willis was working as translator for the Navy public works department when a Lieutenant Bair approached him and said, “Mr. Boucher knows you and he would like to speak to you.” Boucher asked Willis about the Mauga’s concerns, met with the Mauga personally, and began to dig up whatever evidence he could about Noble’s misuse of funds.<sup>71</sup> An *‘afakasi* storekeeper-interpreter said that Willis came to him and claimed to have originated the *Mau* but was now a representative of Boucher, and he wanted to have all the information possible on the government since the storekeeper had begun working as a translator. Willis supposedly said “[t]hat the heads of the Government disliked the people because of their color, and that they were using the people only to gain their own individual aim.”<sup>72</sup>

According to Willis, Bair claimed that Boucher had been “sent down here by the Government.” Boucher did apparently present himself to businessman B. Kneubuhl, a partner of Wilson’s, as a “U.S. Secret Service Man.” He looked through Noble’s financial records and persuaded enlisted men, junior officers, and Samoans to report any evidence or grievances to him. Boucher took a Samoan title meaning “new ruler,” carried a pistol in his hip pocket, and on June 21 presented Terhune with an ultimatum to remove Noble for supposedly diverting copra taxes. Boucher also recommended that he be appointed in Noble’s place, calling his action “constructive criticism,” to improve the efficiency of the station.<sup>73</sup> Terhune’s response was to

69. Evans to Secretary of the Navy, July 1, 1921, OSNGC, RG 284.

70. Terhune to Secretary of the Navy, July 27, 1920, *ibid.*

71. Willis, in *Hearings* 1930, 206.

72. Deposition by interpreter Alexander Forsythe to Terhune, July 21, 1920, OSNGC, RG 284. C. F. Ely called Forsythe a crook who had once been deported, in Memo to Evans, Aug. 18, 1920, *ibid.* Ely also commented that Samoans were very religious and “fond of fiestas and functions at which they are great sticklers for rank.” Terhune, however, had banned all *fono* in response to their protest.

73. Willis to Terhune, June 28, 1920, B. Kneubuhl to Terhune, June 24, 1920, Terhune to Secretary of the Navy, June 22, July 27, 28, 1920, and Noble to Terhune, June 22, 1920, all in *ibid.*



write to the Secretary of the Navy and ask for Boucher's detachment (removal); he also arrested the officer and had him confined to quarters. Even while Boucher was being guarded by *Fita Fita* in his house in Pago Pago, Noble accused him of persuading the Mauga and Satele to hold their *fono*. The Mauga told Willis that every Samoan believed Boucher, but Terhune still had Boucher deported. The governor also dismissed the Mauga and Satele from their district governorships. Nevertheless, they continued to hold anti-Navy *fono*, relocating to Nu'uuli in the western district, which would develop into the new *Mau* headquarters. Willis was jailed overnight and released with the warning not to associate with the Mauga—his father-in-law.<sup>74</sup>

Terhune got no relief from eliminating Boucher, however, because Boucher's successor, Kail, met with Greene and the *Mau* and also joined their cause. In September, less than a week after becoming Captain of the Yard, Kail received a petition from 178 chiefs asking for a new governor and SNA, the restoration of the Mauga and Satele to their governorships, an end to the ban on Samoan-American marriages, itemized financial reports, better schools and roads, prompt printing of all the laws in Samoan, more frequent *fono* with lawmaking power, and the creation of a chiefly executive council to advise the governor. In November, the day after Terhune's suicide, Kail reinstated the Mauga and Satele and jailed Mailo Hunkin, the police chief (and confessed embezzler), for banning the two chiefs from the Naval Station. He also had a chief's meeting house relocated to face the barracks, to serve as a new Fono site.<sup>75</sup> Meanwhile, Boucher had arrived in San Francisco with a petition from the *Mau* for President Woodrow Wilson, and the Secretary of the Navy sent a court of inquiry, led by Evans, to Samoa on the U.S.S. *Kansas*. Evans's court cleared Noble of embezzlement charges, but it court-martialed Boucher *in absentia* and dismissed him from the Navy, deported Greene (with his wife), and relieved Kail of duty. Terhune had shot himself two days before the *Kansas* arrived, but the court said of him, "while honest financially and legally,

74. Noble to Terhune, Sept. 3, 1920, Willis to Terhune, June 28, 1920, *ibid.*; Willis, in *Hearings 1930*, 206.

75. Chiefly Petition to Arthur Kail, Sept. 15, 1920, Kail to Secretary of the Navy, Nov. 4, 1920, Edwin Pollack to Secretary of the Navy, June 16, 1922, all in OSNGC, RG 284; Mauga, in *Hearings 1930*, 265–266.



[he] lacked tact and firmness, due to his mental and physical condition, as indicated by his failure to correct the growing feeling of unrest and discontent by immediate and effective action."<sup>76</sup>

According to Evans, who succeeded Terhune as governor, the *Mau* committee disbanded after Noble was exonerated by the inquiry. Evans met with the chiefs and used, in his own words, "tact, firmness and an abundance of patience" to heal the wounds. In response to *Mau* demands, he published all the laws in both Samoan and English, established a school board, began road work, improved health care, and created a Native Tax Fund for all revenues that would be collected only after a budget was determined, to eliminate any surplus. He also urged Congress to ratify the annexation treaties. One sign of Samoan acceptance of his policies was the resumption of copra harvesting, making the total crop by the end of 1920 the second best in the territory's history. Another sign was a letter from the high chiefs, after he met them in *fono* in July 1921, stating that thirty-nine chiefs, including the Mauga and Satele, were satisfied with his administration. Yet the *Mau* later challenged the letter's authenticity,<sup>77</sup> and the wording does sound prescribed: "We are entirely satisfied. . . . We accepted of our own full knowledge and consent to be guided. . . . We *agree* that this form of administration be continued." In later testimony, Uo, a Leone *matai* said, "Leoso [an orator] was appointed by the chiefs and commissioned by the governor to say that they wanted the government to continue to control matters in American Samoa."<sup>78</sup>

### The Leone *Mau*

The Mauga's return to the loyalist fold may have appeared to Evans a victory, but the *Mau* had already spread to the western district of Tutuila, where the governor knew it was entangled with the commercial aspirations of the 'afakasi Ripley family, which had American connections. In July 1920 Sam Rip-

76. Proclamation, enclosed Evans to Secretary of the Navy, June 30, 1921, OS-NGC, RG 284; Gray, *Amerika Samoa*, 198–199.

77. Pollack to Secretary of the Navy, March 15, 1922, OSNGC, RG 284.

78. Text enclosed Pollack to Secretary of the Navy, March 15, 1922, emphasis in original; see also Evans to Secretary of the Navy, July 1, 26, 1921, *ibid.*; Gray, *Amerika Samoa*, 201–202; Uo, in *Hearings 1930*, 142–143.



ley had returned to American Samoa from California for the first time since 1904, hoping to use family-held lands in Leone for a copra plantation, but the Native Lands Ordinance of 1900 forbade the alienation of Samoan land, and the Navy had a copra monopoly. Ripley therefore made himself agent for "The Samoan Government," that is, the *Mau*, and engaged C. S. Hannum, his wife's California employer, as the *Mau*'s legal counsel. Hannum began a long correspondence between Samoa and Washington and advised the Ripleys to argue that U.S. Navy rule in Samoa was essentially unofficial, thus invalidating its laws and taxes. The Ripleys said they wanted a full congressional investigation to prevent the exploitation of Samoans by the Navy. Ripley had worked actively with the *Mau* from July to November 1920, when Evans deported him, his wife, and the Greenes. Almost a year later, Sam Ripley arrived in Pago Pago again, but Evans stopped him at the dock and deported him a second time as a troublemaker.<sup>79</sup>

Ripley's deportation, however, did not quiet the western district *Mau*, any more than the earlier exiles had. Instead, a new crisis developed. Ned Ripley, Sam's brother, who was regarded as a chief in Leone,<sup>80</sup> had called a secret meeting in Asili of the lesser chiefs to discuss the change in stance of the high chiefs. A young Samoan stenographer later recalled asking the high chiefs why they had abandoned the *Mau* when the majority of the people were in the *Mau*. Their answer, he paraphrased, was, "Gee, if I don't stick with the Navy government I won't get any job."<sup>81</sup> Evans's successor decided that the high chiefs had simply realized they had been misled, but their error was not to explain that well enough to the lesser chiefs.<sup>82</sup> Another governor simply regarded the lesser chiefs as less intelligent than their superiors. The *Mau* committee later made a point of writing to that governor to make it clear that they had not been sweet-talked by Sam Ripley but had requested (and paid for) his help voluntarily.<sup>83</sup> Whether dupes of the Ripleys or rebels against a

79. S. Ripley to U.S. President, March 1921, OSNGC, RG 284; Gray, *Amerika Samoa*, 193–203.

80. *Hearings* 1930, 11, 77–78.

81. *Ibid.*, 80 (Tuiteleleapaga).

82. Pollack to Secretary of the Navy, March 16, 1922, OSNGC, RG 284.

83. Stephen Graham to Secretary of the Navy, Jan. 25, May 17, 1928, *ibid.*



bought-off elite, on August 6 the *Mau* rump of lesser chiefs sent the Secretary of the Navy and the U.S. President a petition of their own. Governor Evans dismissed it out of hand as an act of “jealousy” and, in a revealing letter, wrote to the secretary that petitioning was a common pastime in Samoa: “[W]hen I first became Governor, I was flooded with petitions, nearly all of which were of no importance whatever and found their way to the waste-paper basket.”<sup>84</sup>

Gray calls what followed “an old-fashioned bush-war assembly,” but his condescending sensationalism aside, the grass-roots *Mau* was very much alive in the west. On August 16, 1921, the day after Sam Ripley’s deportation, the *Mau* met secretly at Faleniu, in Tualauta County, where the antitax uprising had occurred almost twenty years earlier. By one account, more than 340 *matai* gathered to express their sense of betrayal, especially toward County Chief Letuli, who had changed his stance and ordered them to leave the *Mau* cause. One unidentified chief was said casually to remark, “Those chiefs who were opposing the means for the advancement and good of the Samoan people ought to be put to death.” The chiefs took no action, but Evans sent Police Chief Hunkin to investigate. One *Mau* chief, Fonoti, had connections with New Zealand-ruled Samoa, where chiefs had already organized a boycott against increased import duties. Now he was “visiting” Tutuila, where he had been born. Fonoti defied Hunkin’s order to stand and walk to Pago Pago jail: “We cannot come. . . . We have not done anything against the government or against the Commandant, but if the Commandant wants war with us, you will have to shoot first.” Hunkin reported to Evans that the woods around Faleniu were filled with armed men, so Lieutenant W. McDonald went with a detachment of *Fita Fita* to arrest the *matai*. Fonoti demanded that the Navy officer “talk right now,” but the other chiefs agreed to obey the police.<sup>85</sup>

Evans had seventeen chiefs tried for conspiracy and rebellion by SNA and Judge Sydney Hall, with two Samoan judges as associates. According to Evans, sixteen pleaded guilty on the

84. Evans to Secretary of the Navy, July 29, Aug. 31, 1921, *ibid.*

85. Evans to Secretary of the Navy, July 29, Aug. 16, 1921, *ibid.* For pre-*Mau* protests in western Samoa, see Field, *Mau*, 56. For Gray quote, see *Amerika Samoa*, 202.



stand. Fonoti continued to proclaim his innocence, but the Magalei, for example, supposedly admitted they had all agreed to oppose Letuli and to kill certain high chiefs. Ten men received sentences of seven and a half years of prison at hard labor and twelve and a half years of probation, while seven received five years of prison and ten years of probation. All were stripped of their titles and warned to advise their followers to behave. According to a Samoan court stenographer, Lualemaga was defiant and, upon hearing the verdict, stood up, saying, "Nobody in this world will take my title away from me. The governor has no power to take my title." Hall charged Lualemaga with contempt of court and gave him an extra three years in jail. Evans stuck to the party line in his letter to the Secretary of the Navy: "It is, of course, unfortunate that these poor devils should get themselves into such a mess as the result of the working of outside trouble-makers." He also made a point of saying the two Samoan judges had supported even heavier sentences, suggesting revulsion at the threat to high chiefs.<sup>86</sup> The Navy, by coopting the high chiefs into governorships, may have created a new class division among Tutuilans. But the "Samoa Seventeen," as they might be called today, became a new focus of *Mau* agitation, in the form of petitions and demonstrations for their release. Even Letuli asked forgiveness for them; all but one came from his county.<sup>87</sup>

In early March 1922, yet another naval governor arrived, the third in three years. Captain Edwin Pollack was welcomed warmly, in the company of Evans, by the high chiefs of the western district. Other Samoans, however, made it known that they hated Evans. Pollack heard that *Mau* supporters from Nu'uuli had gone through the villages telling people not to attend the meeting with the new governor. He vowed to have those messengers arrested and also to get the *Mau* "ringleaders" into his office and "tell them exactly where they got off."<sup>88</sup> Pollack had his first meeting with the *Mau* leaders on March 15; it was recorded by a stenographer and sent to the Secretary of the Navy. In his book, Gray would write, "The discussion showed

86. Evans to Secretary of the Navy, Aug. 31, 1921, C. S. Hannum to Pollack, March 6, 1922, OSNGC, RG 284; *Hearings 1930*, 76, 86 (Tuiteleleapaga).

87. Pollack to Secretary of the Navy, March 16, June 3, 1922, Petition of Chiefs for Release, April 30, 1922, both in OSNGC, RG 284.

88. Pollack to Secretary of the Navy, March 11, 1922, *ibid.*



considerable lack of clarity in the minds of the Mau leaders.”<sup>89</sup> Yet Pollack went into the meeting with a negative, aggressive attitude toward the “malcontents,” having been primed by both Evans and Hall and antagonized by the Ripleys and Hannum in San Francisco on his way to Samoa. Consequently, the whole tone of the gathering was hardly open-minded, and Pollack’s arrogant, brusque manner no doubt offended Samoan protocol. Right away, he asked each of the five *Mau* chiefs present to speak as individuals, even though he freely admitted knowing that the *fa’a Samoa* required that one orator should speak for them all. Grilling them like the navy captain he was, he demanded, “What do you want?”<sup>90</sup>

Soliai of Nu‘uuli, via Helen Wilson’s translating, tried to explain that it was customary to meet the governor first and to “talk over things in a general way,” after which they would consult with their constituents. But Pollack pressed the chief hard, asking Soliai if he had nothing to say. When Wilson explained that the chief was not prepared for such a direct discussion, Pollack demanded, “What has he been doing all this time? He hasn’t been out gathering *thatch* with the women, has he?” Soliai surprised Pollack by answering “yes” and then tried to speak about what had happened under Terhune. Pollack interrupted, asking to know “one specific thing he wants.” Soliai finally asked for a council, paid for by increased taxes, where Samoans and Americans could meet to discuss *all* government business and make the laws. Judge Hall attacked Soliai’s reasoning, claiming that people would oppose raising taxes, and anyway the current annual Fono made laws. But Soliai persisted, *demanding* a tax increase for a new Fono. Pollack rudely asked if Soliai wanted to be one of the new councillors to get paid with the increased taxes, and the chief humbly said, “No, he has no such idea.” “Then tell him,” Pollack said, “as he has no such idea, he can be satisfied he will not get it. He is making a lot of trouble for nothing. . . . Who led them to think I was going to do these things they wanted?” Yet Pollack himself had, of course, asked for specifics, and he next demanded whether there was a particular law they wanted made.

89. Gray, *Amerika Samoa*, 204.

90. Pollack to Secretary of the Navy, March 15, 1922, OSNGC, RG 284. See also Pollack, March 11, 1922, and Gray, *Amerika Samoa*, 203.



Lemafa of Aunu'u tried to mediate, suggesting that the chiefs needed time to think. "What has he been doing all year?" Pollack retorted. The governor continued his confrontational stance, causing some confusion among the translators and stenographer over what people were trying to say. When the chiefs diplomatically asked for a rest, Pollack grew impatient and insisted that they finish up that day because he had waited an hour for them to show up in his office (in the rain). The Mauga offered to leave if his presence made the lesser *Mau* chiefs shy, but Pollack insisted that the meeting continue as it was. The chiefs then asked for the dismissal of Police Chief Hunkin, who had actually been deported once for stealing funds, but Hall rushed to Hunkin's defense, citing Hunkin's agreement to pay back the money. Pollack quoted the Bible about repentance, after which Soliai gamely responded that he knew the verse but that the point was the unfair favoritism toward Hunkin, since Samoan chiefs still languished in prison. Lemafa voiced hope that the governor would honor their petitions, but Pollack replied, "Tell him that is a very broad statement, that if I granted every petition he sent in here, there's no telling what other people would think about it." Evans's dismissive attitude toward Samoan petitions was being perpetuated. Lemafa then asked why a Samoan clerk had been fired, and Pollack countered testily, "Do you believe in God?"

"Why, yes sir," Lemafa answered.

"Could you swear to it? Have you ever seen Him?" Pollack asked.

"No," Wilson translated for Lemafa, "he has not seen God."

Pollack then turned to the translator, who, he had been warned, was a *Mau* supporter herself: "Suppose Mrs. Wilson and I were in a room and a pile of money was on the table and the money disappeared. Would not they think one of us took it? But could they prove that . . . ?" The governor went on with this odd line of reasoning until Lemafa said calmly, via Wilson, "He simply asked why Asuaga was dismissed." Pollack then explained that two clerks were fired on suspicion of theft, though neither could be proven guilty.

Fanene of Pago Pago next complained about stripping chiefs of their titles, at which Hall jumped in, backed up by the Mauga, arguing that it was an old Samoan custom to save the ti-



tle from disgrace by the individual's misbehavior. Chief Matautia pursued this opening by pointing out that the meeting at which thirty-nine chiefs had proclaimed their loyalty to Evans the year before was not representative of Samoan opinion. Hall responded angrily, calling the suggestion of pressure from Evans a "malicious and vicious lie." After all, Hall had been there himself, and he now badgered the Mauga into agreeing that there had been no threats from Evans toward the signers of the letter of support. Matautia, backed by Masaniai, persisted in questioning the document's validity, arguing that the numbers were inflated by inviting *pulenu'u*, or village-level appointees of the Navy, to sign. Hall countered by suddenly saying, "That's all in the past." Pollack backed him up by asking, "How long are they going to cry about it?"

The chiefs persisted with their grievances, despite the openly hostile official atmosphere and the cavalier dismissal of most of their complaints, until Lemafa argued that consultation was the basic issue: "There will be no satisfaction in this meeting. They cannot say what they would like as they have not consulted with the people they represent." As Pollack and Hall protested about seven hours of "rehash" with "no results," Lemafa asked for another meeting, explaining, "they should just like to advise the people."<sup>91</sup> Undeterred by the Navy governor's harsh behavior, that evening the *Mau* leaders sent out messengers to assemble demonstrators, using their own form of confrontation. The next day they presented Pollack with a petition to release the seventeen *matai* from prison. "Various parties or processions," the governor wrote, "with drums and a number of men carrying long knives, marched in through the town to Pago Pago . . . directly in violation of orders." He was referring to a *malaga* from Nu'uuli to the eastern district. *Mau* supporters later said a hundred young men had been arrested for demonstrating. Pollack asserted that the Mauga and other high chiefs opposed the *Mau* petition. He therefore had the Mauga, backed by a landing force from the U.S.S. *Ontario*, order the protesters to go home, which they did after sunset.<sup>92</sup>

91. The entire conversation is in Pollack to Secretary of the Navy, March 15, 1922, OSNGC, RG 284.

92. Pollack to Secretary of the Navy, March 16, 1922, *ibid.*; *Hearings 1930*, 75, 207.



After hearing from Hall about Governor Pollack's first meeting with the *Mau*, Evans wrote a letter to his successor: "This was merely an attempt on their parts to show strength, and also no doubt to try you out. I congratulate you on the way you handled it, and I feel sure that as a result of this you will have no further trouble from them."<sup>93</sup> At the end of March, however, Satele, the western district governor, reported that the people were still pro-*Mau*. In April the *Mau* presented the governor with yet another petition, this time with 600 signatures, which Pollack duly rejected. Hall even went so far as to recommend censoring mail from outsiders to American Samoa.<sup>94</sup> Yet ironically, on the Fourth of July, Pollack read aloud the U.S. Declaration of Independence, with its testament to the sovereignty of the people; he had the full text translated into Samoan and published in the official newsletter, *O Le Fa'atonu*—much to the indignation of his New Zealand counterpart in western Samoa, Army Colonel Robert Tate, who had just enacted an ordinance that permitted him to banish offensive chiefs from their villages!<sup>95</sup> From prison, Fonoti wrote to Hannum about the concept in the Declaration of Independence of citizens' rights and asked if the Navy, which treated Samoans so badly, was the same as the U.S. government. When he was finally pardoned in 1925, along with the other prisoners, he remained with the *Mau*, perhaps creating a link to its soon-to-be-born western Samoan counterpart.<sup>96</sup>

### The Nu'uuli-Manu'a *Mau*

Another response to Pollack's July 4 speech came from Henry Johnson, a former governor of the Virgin Islands who visited Soliai in Nu'uuli and knew Hannum. He criticized Pollack's claim, a common one in American Samoan official dis-

93. Evans to Pollack, May 10, 1922, *ibid.*

94. Pollack to Secretary of the Navy, March 30, 1922, Petition from Chiefs, April 30, 1922, Sydney Hall to Pollack, July 31, 1922, *ibid.*

95. Field, *Mau*, 58.

96. Hannum to Pollack, Jan. 26, March 6, 1922, Hannum to Chiefs, Dec. 16, 1922, Graham to Secretary of the Navy, May 17, 1928, all in OSNGC, RG 284. For pardons, see Gray, *Amerika Samoa*, 205. Several of the imprisoned chiefs may have died in captivity. See Frederick Olsen, "The Navy and the White Man's Burden: The Naval Administration of Samoa" (Ph.D. dissertation, University of Washington, 1976), 65.





*Figure 3.* "Siva Dance at Nu'uuli" [with members of Mau in the background], c. 1930. Photograph by Merl LaVoy. CPBM 39129. Courtesy Bishop Museum, Honolulu.

course, that the Samoans had “applied for” U.S. rule. That myth apparently refers not to the Deeds of Cession but to the 1878 Treaty of Friendship. The Washington Convention of 1899, which partitioned Samoa, annulled the 1878 agreement in order to acknowledge German possession of the west.<sup>97</sup> Tui Manu’a Elisara, the last hereditary king of the outer islands of eastern Samoa, had held out until 1904 before signing a Deed of Cession, though he grudgingly allowed the Navy to “protect” Manu’a *de facto*.<sup>98</sup> When Tui Manu’a Elisara died in 1909, Governor John Parker terminated the title, adding that since the raising of the American flag over Manu’a, it had only denoted a district governor, not royalty, which the U.S. constitution would not recognize—an interesting application of federal law to a *de facto* territory.<sup>99</sup> In July 1924, however, three orators of Manu’a chose an heir to the ancient divine monarchy of Samoa, causing a new confrontation with American authority in the islands.

Governor Edward Kellogg sent the U.S.S. *Ontario* to Ta’u, the sacred island in Manu’a, to “invite” the new Tui and the orators to discuss the situation. The orators had chosen Chris Young, an *’afakasi* descendant of an English copra trader. Young had lived outside American Samoa for seventeen years before returning in 1920 to work as a clerk in the Naval Station, but he was related maternally to the Tui Manu’a line. The orators had made their decision while the district governor of Manu’a, Tufele, was absent, and county chief Sotoa was acting governor. They argued that they had simply restored a title that had never been formally abolished and that if the governor interfered, they would be “dissatisfied to the death.” Kellogg nevertheless called the title royal, hence illegal, and accused them of conspiracy. He abrogated the Tui Manu’a label for good, suspended Sotoa as county chief, and detained Young. Even Gray is sympathetic: “Chris Young was understandably irritated. He found himself held in Tutuila for no crime other than that of having

97. H. Johnson to Pollack, Oct. 12, 1922, OSNGC, RG 284; Appendix in Faleomavaega, *Navigating the Future*, 125; Gray, *Amerika Samoa*, 65; Uo, in *Hearings 1930*, 143.

98. Sebree to Secretary of the Navy, March 14, 17, May 17, 1902, OSNGC, RG 284.

99. Gray, *Amerika Samoa*, 161–162.



accepted the highest honor in the *fa'a Samoa*." Young quickly aligned himself with the anti-Navy faction at Nu'uuli, for whom Hannum was still writing letters, and "became the means by which the Mau came of age and assumed something of the status of a political party."<sup>100</sup> This move coincided with a newspaper campaign by Greene and his *Honolulu Advertiser* colleague Thurston. Thurston visited Samoa in 1925, ostensibly to collect seashells (the same pretext Greene had used in 1920), and wrote articles for the *New York Times* on "Our Despotism in American Samoa."<sup>101</sup> Meanwhile, the western *Mau* against New Zealand began with a public meeting in October 1926.<sup>102</sup>

In December 1926 twenty-nine American Samoan *Mau* chiefs sent a petition to President Calvin Coolidge asking for "civil government" with a representative legislature, plus courts, schools, and economic development equal to those enjoyed by citizens of the United States. Governor Henry Bryan, typically, claimed that the wording was borrowed from Hannum and that "the signers have been led by agitation, within and without American Samoa, to believe that the U.S. can be induced to give them all they ask for." He defended the existing system: "The people are not competent to conduct a representative legislative body." He also attacked three signatories as disreputable: Chris Young, Galea'i Tulele, who had done prison time for embezzlement, and the Fanene, an *'afakasi* known as "Bull" Foster, who had been Sam Ripley's "right-hand man."<sup>103</sup> Yet by 1927 the *Mau* was calling itself "The Committee of the Samoan League" and organizing a copra boycott, that is, tax resistance. It asserted that the Navy was abusing the *fa'a Samoa* and punishing chiefs without cause, and it demanded that the United States "make us real American citizens."<sup>104</sup>

Some Americans realized how Eurocentric the naval administration in Samoa was. Visiting Bishop Museum anthropol-

100. *Ibid.*, 207–208.

101. Bryan to Secretary of the Navy, Jan. 25, 1926, Pollack to Bryan, March 26, 1926, OSNGC, RG 284; *Honolulu Advertiser*, March 21, May 2, 1926; *New York Times*, March 14, 1926.

102. Field, *Mau*, 73.

103. Bryan to Secretary of the Navy, Dec. 27, 1926, Jan. 18, 1927, OSNGC, RG 284.

104. *Samoan Guardian*, July 21, 1927; Bryan to Secretary of the Navy, Nov. 10, 1927, OSNGC, RG 284.



ogist Bruce Cartwright called Samoan chiefs the “Gentlemen of the Pacific” but said a “color line” existed in the territory; he elaborated that “chiefs have told me that they and their people are constantly being insulted by the words and actions of the whites”—including the birth of 500 illegitimate *‘afakasi* children in Pago Pago.<sup>105</sup> After a four-month visit in 1937, John Coulter wrote,

Notwithstanding the awareness of a native culture, the logic used by Americans in analyzing actual situations in American Samoa reflects Western conceptions of human nature. In personal relationships, administrators there look for emotional responses equivalent to their own and, when they are not forthcoming, are amused, annoyed, or angered.<sup>106</sup>

Gray admitted,

There was a good deal of comic opera atmosphere in the islands as the white-clad naval officers and men and their barefoot colleagues in the Fita Fita presided over the affairs of the colorful Samoans. . . . Navy people pursued the way of life to which they were accustomed . . . and an exclusiveness which was a defense mechanism . . . at times appeared to be an affectation of superiority.<sup>107</sup>

Governor Stephen Graham arrived in November 1927 and tried to be conciliatory when he met with the *Mau* in Nu‘uuli. He engaged Young, who continued to ask for the Tui Manu‘a title, as mediator. A Samoan orator said, “The people felt honored that the Governor was willing to meet them and listen to them and not treat them with contempt, as had been done under the previous administrations.” In subsequent meetings, which Graham noted were conducted in “an entirely dignified and orderly manner,” the *Mau* asked for taxes to be reduced (there was now an annual poll tax and a school tax, as well as increases in copra taxes due to rising costs, such as salary increases to native officials who had long served the government), but above all they wanted a clarification of their relationship to the

105. Cartwright Report to Bryan, Nov. 4, 1927, *ibid.*

106. John Coulter, *The Pacific Dependencies of the United States* (New York, 1957), 103.

107. Gray, *Amerika Samoa*, 232–233.



United States, because they felt “humiliated in the eyes of the world.” Graham assured them that Congress was discussing that issue and might soon send a commission to study the problem. He voiced pleasure that the *Mau* was behaving like a legal party, led by the Galea’i: “As time passes I become convinced that the *Mau* movement is more extensive than has hitherto been recognized and I am convinced that it cannot safely be ignored.” He suggested to the Secretary of the Navy a policy of listening with patience in order to avoid a “conflagration” like that occurring in western Samoa under New Zealand.<sup>108</sup>

As the American Samoan *Mau* acquired legitimacy, it seems to have found common ground with its counterpart across the border. The fact that, in 1927, both protest movements began to call themselves The Samoan League<sup>109</sup> is revealing. So is an oral tradition told to me by Chief Savusa of Nu’uuli seventy years later. Savusa said that his great-grandfather welcomed to the village western Samoans, who helped to build the *Mau* meeting house (*falefono*) next to his home. People from all over Samoa, from Manu’a to Savai’i, brought stones for the foundation in a show of solidarity against colonialism. The *Mau fale*, he said, was the “real Fono” before the current legislature came into being, and only hurricane Ofa was able to destroy it in 1990. Nu’uuli has always had a reputation for strength and obstinacy, whether cutting down trees to blockade the road to Pago Pago if it lost a cricket match or winning rowing races with a long canoe called *Satani* (despite objections from the village pastor).<sup>110</sup> Fai’ivae Apelu recalls his father’s uncle, Samuel Tulele Galea’i, the *Mau* committee chair, as a “statesman” who wanted to unite Samoa. The Galea’i’s roots were really in Manu’a, where he had aspired to the governorship but been jailed by the Navy, so he allied with Young, who had been denied the Tui title. It was a struggle, ultimately, to regain Samoan self-respect.<sup>111</sup> The *Mau* became a watchdog, questioning the Navy’s every move, and by 1930 its executive committee asked to advise the governor “in every matter, so that everything will run smoothly.” Governor Gatewood Lin-

108. Graham to Secretary of the Navy, Dec. 14, 1927, Jan. 25, 1928, OSMGC, RG 284.

109. Field, *Mau*, 84. See also endnote 112.

110. Interview by author with Chief Savusa in Nu’uuli, June 1997.

111. Interview by author with Fai’ivae Apelu in Leone, June 1997.



coln refused, but the *Mau* said, "That is all right, Governor, we have to yield to your actions, but we are not satisfied."<sup>112</sup>

### Congressional ratification and aftermath

Repeated Samoan protests and petitions to the governor and U.S. President, plus the publicity campaigns waged by Hannum and Greene, finally brought into the story Hiram Bingham, a U.S. senator from Connecticut who was born in Hawai'i and descended from missionaries who had served there. It was Bingham who introduced a bill in Congress that resulted in Public Resolution No. 89 in February 1929, which ratified at long last the Deeds of Cession of American Samoa. President Herbert Hoover then authorized a commission of two senators (including Bingham) and two congressmen to hold hearings in Honolulu and Samoa in September and October 1930 on the political status of the territory: Now that American Samoa was really part of the United States, what form of "civil government" would satisfy its people? The Mauga and Tufele represented Tutuila and Manu'a on the commission, while the Magalei, a lower-ranking chief, spoke for the *Mau*.<sup>113</sup> The resulting document is nearly 400 pages long, and its more than seventy testimonies represent the most complete compilation of Samoan opinions on the *Mau*, as well as statements by Bishop Museum scholars and other interested parties. Hannum committed suicide just before the hearings, closing the *Mau* era with a sacrifice, as Terhune had opened it.<sup>114</sup>

Several themes emerge from what the witnesses told the commission. In Honolulu, it became clear that the beginnings of the modern Samoan diaspora were under way, as more than 200 had gone to Hawai'i, notably as students or Navy personnel. About fifty had organized a Samoan Civic Association (SCA) that supported the *Mau* and apparently influenced Americans in Hawai'i to have similar views—although ironically the *Mau* committee itself specifically opposed having those "boys" (meaning non-*matai*) speak for them. The SCA spokesman, Nelson Tutuile, voiced his pride in his people's skills: "[Samoans] are

112. C. S. Lincoln to Secretary of the Navy, Feb. 10, 1930, OSNGC, RG 284.

113. *Hearings 1930*, Introduction; Gray, *Amerika Samoa*, 221.

114. *Ibid.*, 210.



highly intelligent, capable and competent to rule themselves.” The SCA wanted an Organic Act for Samoa, American citizenship, a civilian governor, the right of appeal beyond the territory in court cases, and a chiefly *fono* empowered to make laws, as well as an executive council/senate that would meet more often than the annual *fono*.<sup>115</sup> The SCA also asked for freedom of trade and travel between the two Samoas, a theme that was taken up by several witnesses in Samoa. A letter from the *Mau* asked for the right to elect government officials, territorial status, a budget of \$1.5 million, and a civilian governor.<sup>116</sup>

Gray points out accurately that the majority of witnesses who testified in Samoa supported the Navy administration, sometimes almost obsequiously, as though their jobs depended on it, but he neglects to say that many of those “loyalists” still wanted reforms, such as more decision-making power for their chiefs, with the right of appeal beyond the governor to the President,<sup>117</sup> or a court of appeal beyond the closed circuit of the SNA’s realm.<sup>118</sup> Some witnesses differed about the origins of the *Mau* movement, ten years earlier, whether it was started by foreigners,<sup>119</sup> land-seeking ‘*afakasi*,<sup>120</sup> money issues,<sup>121</sup> the need for a better Fono system, or the revelation that the United States had never formally annexed the islands.<sup>122</sup> County Chief Lei’ato said he first supported the *Mau* on the financial issue, but after Evans’s inquiry, he opposed it, fearing that foreigners advising the *Mau* “wish to obtain lands.” Nevertheless, he wanted the Fono system improved so that the chiefs had more say in what topics were discussed. When asked how many members the *Mau* had, Lei’ato replied, “You can’t make head or tail of that in Samoa. When the *Mau* committee comes, they are all in the *Mau*; and when the other side comes, they are all on the other side.”<sup>123</sup>

Several powerful chiefs gave testimony in favor of change.

115. *Hearings 1930*, 48–70.

116. *Ibid.*, 31, 56, 59, Salavea on 178, Galea’i on 232.

117. *Ibid.*, Pele on 115–116, Lei’ato on 198–199.

118. *Ibid.*, Aumavae on 159, Gagai on 163, Willis on 207.

119. *Ibid.*, Uo on 142–143, Aumavae on 157.

120. *Ibid.*, Salavea on 177.

121. *Ibid.*, Ta’amu on 171, Mauga on 265.

122. *Ibid.*, Savea on 194, Liu on 229, respectively.

123. *Ibid.*, 199.



Satele, who had been dismissed from his western district governorship by Terhune for helping the *Mau* organize the *Mau* in 1920, wanted civil government because the naval governor had too much power. That authority risked being arbitrary because the individual commanders stayed so short a time in Samoa—seven governors in the ten years of the *Mau*! He also pointed out that Samoans had paid for their own schools and hospitals and “built the roads free, from the patriotism of our country.” Nor had the Navy helped them improve their copra plantations, their only source of cash income besides working for the Navy: “[A]t the present time our government is in a tangle like this (twirling his hands). Nobody knows which is which. The government of the Navy and the government of Samoa.”<sup>124</sup> Tuitele, the western district governor, asked for protection against reprisal by the Navy against criticism. He compared the *Mau* in 1920 to the Samoan people’s growing up: They realized the Navy was not running the country well and protested against the ignorant tyranny of the governor. The *Mau* had forced the Navy to build more schools and roads, but Tuitele asked for a *reunification* of the two Samoas under one civil administration: “We all hear of the handling and of the doings of our New Zealand brothers in Apia, and it is on these grounds that I make the request to free them [from] this trouble—relieve them of all this trouble that they are in with the New Zealand people. . . . We want to be under the Government of America in some other way; under the President of the United States and Congress [i.e., not the Navy].”<sup>125</sup>

Chief Tuilefano held up a watch that he had received for signing the Deed of Cession of Tutuila in 1900, but he said he now supported a system where a civil governor would consult more with the chiefs. The naval governor had tried to shut down the *Mau* with a battleship, but “although the Navy tried to cover the little chicken [a pun on the word *moa* in Samoa] under a bowl, there is a chicken still chirping there.”<sup>126</sup> Chief Sotoa of Ta’u thought that ratification of the Deeds of Cession meant that Samoans were automatically U.S. citizens, so he brought up the Tui Manu’a case again, pointing out the injustice of keep-

124. *Ibid.*, 136–139.

125. *Ibid.*, 144–154.

126. *Ibid.*, 161.



ing Chris Young in forced exile on Tutuila.<sup>127</sup> *Mau* committee cochair Chief Fanene, among others, pursued the citizenship request, saying, "We have long tried a way and means to present ourselves before the Congress of America . . . but we have not received the word 'true American.'"<sup>128</sup> Chief Galea'i, the other *Mau* cochair, called for a civilian governor, a chiefly cabinet, and a lawmaking Fono, as well as control over immigration, though he allowed that 'afakasi of at least 25 percent Samoan ancestry should be able to own or inherit land. He also pinpointed the beginning of the *Mau* to the *fono* held by the Mauga and Satele in 1920, when he joined the movement and remained a member right up to his present role as cochair. Nevertheless, he said that if the United States granted full citizenship to American Samoans, the *Mau* would cease.<sup>129</sup>

In fact, the commission recommended that Congress grant Samoa an Organic Act, including a bill of rights, full U.S. citizenship, legislative power, land tenure only for Samoans (the Fono could establish its definition of that term), a right of appeal to the District Court of Hawai'i, and a presidentially appointed civilian governor whose veto could be overridden by a two-thirds vote in the Fono. But Congress failed to pass the 1930 Samoa Act, thereby preventing the territory from receiving what Hawai'i had received in 1900 and Guam would in 1950. The *Mau* had nevertheless achieved quite a bit. Evans, for example, built more schools and health clinics in response to the agitation, began a policy of consulting more with the chiefs, and created a board of auditors composed of chiefs to monitor government expenditures. The *Mau* had finally pushed Congress to ratify the Deeds of Cession, and Bingham's commission had a bill of rights inserted into the Code of American Samoa. In addition, the United States separated the jobs of chief judge and SNA (now called attorney general), a move that even non-*Mau* Samoans had wanted. In the early 1930s, more efforts were made to provide agricultural advice, and by 1935, when Mauga Moi Moi died, Governor Otto Dowling claimed that the *Mau* had effectively waned.<sup>130</sup>

127. *Ibid.*, 217–218.

128. *Ibid.*, 229. See also Chris Young on 219, Nua on 221.

129. *Ibid.*, 231–242.

130. Gray, *Amerika Samoa*, 210, 231–238.



After the heightened American military presence during World War II raised wages and stimulated enlistment in the Navy and Marines, a struggle developed over whether or not to seek an Organic Act and citizenship. Western Tutuila, led by Tuitele, continued to favor the change, while the east, subsidized by the port, supported the Navy. The Fono was reformed in 1948 and 1953, creating two houses, a Senate chosen by *fa'a Samoa* and a House by universal suffrage. Ninety chiefs then asked that congressional bills dealing with the status of their islands be tabled. They realized that an Organic Act that invoked the U.S. Constitution was a double-edged sword: While bestowing citizenship rights, it might also threaten their communal land tenure and chiefly system; hence the need for cautious reform rather than U.S. citizenship. Civil government was finally achieved in 1951: American Samoa was transferred by Executive Order from the Navy to the Interior Department, and the naval base was closed down, stimulating more migration to the United States. Samoans remain U.S. "nationals" but not citizens. Their government is now almost entirely Samoan in personnel and financed by Washington, but Samoans pay no federal taxes. In the 1970s the Fono won the power to approve the budget and executive appointments, and American Samoans got the right to elect their own governor and a delegate to the U.S. Congress. Almost self-governing at home, they also have open access to the United States, where more than half of them now live.<sup>131</sup>

At this point, American Samoans seem to have found their own niche in the world system, a gray area outside the United Nations-prescribed choices for decolonization. In a sense, they now have the United States right where they want it. As Vaimili Tuialu'ulu'u, a *matai* from Ta'u, told me, "We're unorthodox, and like it that way." Unlike western Samoans, they may not feel the need for a "national" *Mau* movement in their public memory. Still, their current nonvoting delegate to Washington, Eni Faleomavaega, recommends clarification of the territory's rela-

131. Leibowitz, *Defining Status*, 426–427, 451–455; Sunia, "American Samoa," 117–125; Pulefaasisina Tuiasosopo, interview by author in Tualauta, June 1997; Gray, *Amerika Samoa*, 244–249; Coulter, *Pacific Dependencies*, 101–106. For out-migration today, see Dennis Ahlburg and Michael Levin, *The Northeast Passage: A Study of Pacific Islander Migration to American Samoa and the United States* (Canberra, Australia, 1990).



tionship to the United States, and Fai'ivae Apelu feels strongly that the American Samoan *Mau* should be better known, to inspire young Samoans to stand up to the United States in case they need to do it again.<sup>132</sup> After all, it was an exercise in nationalism that drew on outside help to get beyond the closed world of Navy rule, and it developed links across the artificial border that divides Samoa in two. The eastern *Mau*'s shifting, overlapping nature, from the Pago Pago to Leone to Manu'a-Nu'uuli, shows the lack of fit between the Navy administration and the *matai* system, as Satele said. Navy officials (and Gray) were fond of saying that the *Mau* notion of "civil government" was vague,<sup>133</sup> but from their own records it is clear that the term meant more to Samoans than "civilian" rule. It meant civility, *fa'aaloalo*, or respect, which arrogant naval officers like Pollack lacked.

Although it did not demand full independence, the *Mau* insisted that the United States recognize the Samoan way of life and rectify grievances, and their protest led to a significant degree of decolonization. The Navy could dominate Samoa but never achieve full hegemony because Samoans persistently defended their concept of "civilization," thereby challenging the basis of colonial paternalism. Pulefaasisina Tuiasosopo, Director of Samoan Studies at the American Samoa Community College and son of a great orator and statesman who reformed the Fono in the 1950s, regards the *Mau* as a negotiation between the *fa'a Samoa* and the *fa'apalagi* (foreign way), a process that had been going on ever since Navy rule began: "Samoans knew what they wanted all along, and chose the United States because its democratic system was most *amenable* to their own." Not equivalent, but capable of guidance, if dedicated leaders risked their titles and livelihoods for greater sovereignty, from within.<sup>134</sup>

132. Eni Faleomavaega, "American Samoa: A Unique Entity in the South Pacific," in Werner vom Busch *et al.*, eds., *New Politics in the South Pacific* (Suva, Fiji, 1994), 116–118; interviews by author with Tuialu'ulu'u Pago Pago, June 1995, and with Fai'ivae Apelu in Leone, June 1997.

133. Pollack to Secretary of the Navy, March 15, 1922, Graham to Secretary of the Navy, Dec. 14, 1927, OSNGC, RG 284; Gray, *Amerika Samoa*, 204, 210.

134. Interview by author with Tuiasosopo at American Samoa Community College, June 1997.



## APPENDIX 1: Glossary of Samoan Terms

<i>'afakasi</i>	Half-caste(s)
<i>'aiga</i>	Family or families
<i>a'a ti</i>	A ceremonial speech, a new <i>matai</i> 's first test
<i>ali'i</i>	High chief(s), as opposed to orator
<i>fa'aaloalo</i>	Respect
<i>fa'alupega</i>	Rankings and genealogies of chiefs, like a constitution
<i>fa'apalagi</i>	Foreign ways
<i>fa'a Samoa</i>	Samoa way of life
<i>O le Fa'atonu</i>	Official Navy newsletter
<i>fale</i>	House(s)
<i>falefono</i>	Meeting house
<i>Fita Fita</i>	Samoa police force under the Navy
<i>fono</i>	Council meeting(s), at village or district level
<i>Fono</i>	Territorial-level assembly, today the legislature
<i>kava</i>	Mildly intoxicating ceremonial drink
<i>malaga</i>	Ceremonial inter-village visit(s), usually reciprocal
<i>matai</i>	Titled chief(s), usually one from each family
<i>mau</i>	Public opposition; literally, to hold fast
<i>O le Mau</i>	The 1920s anti-Navy opposition movement
<i>Mau a le Pule</i>	Anti-German orator-led opposition in western Samoa
<i>Pule</i>	Traditional orator group, refers to legitimate authority
<i>Pulenu'u</i>	Village-level political appointee by the Navy, "mayor"
<i>Satani</i>	Satan, the name of Nu'uuli's winning racing canoe
<i>Tafa'ifa</i>	Paramount holder of the four leading <i>ali'i</i> titles
<i>tapa</i>	Cloth made from paper mulberry bark
<i>Tui</i>	King, as in Tui Manu'a (formerly a divine monarch)

**APPENDIX 2: Selected American Samoan Chiefly Titles**  
(Often preceded by "the" unless linked to a personal name)

**Eastern District, Tutuila Island**

Lei'ato, High Chief of Sua and Vaifanua counties (the senior title of Tutuila)  
 Mauga, High Chief of Pago Pago Bay (means mountain, refers to "Rainmaker" peak)  
 Faumuina, High Chief of Sa'ole County  
 Pele, High Orator of Sua County  
 Tuiasosopo, High Orator of Vaifanua County  
 Lemafa, Chief of Aunu'u  
 Fanene, Chief  
 Magalei, Chief  
 Savea, Chief  
 Ta'amu, Orator

**Western District, Tutuila Island**

Tuitele, High Chief of Fofu ma Itulagi County  
 Letuli, High Chief of Tualauta County  
 Satele, High Chief of Tualatai County  
 Fuimaono, High Chief of Leasina County  
 Leoso, High Orator of Fofu ma Itulagi  
 Savusa, High Chief of Nu'uuli village  
 Soliai, Chief of Nu'uuli  
 Tuilefano, Chief  
 Fai'ivae, Chief  
 Fonoti, Chief  
 Aumavae, Chief  
 Gagai, Chief  
 Liu, Chief  
 Lualemaga, Chief  
 Olo, Chief  
 Salavea, Chief  
 Uo, Chief

**Manu'a (outer district)**

Tui Manu'a (until 1909), legendary divine monarch of all Samoa, based on western Ta'u Island  
 Tufele, High Chief of Fitiuta on eastern Ta'u Island  
 Galea'i, High Chief of Fitiuta  
 Sotoa, High Chief of Luma  
 Lefiti, High Chief of Siufaga  
 Nua, Chief

**APPENDIX 3: Early Naval Governors of American Samoa**  
(Called Commandant until 1905, in addition to Navy rank)

Commander Benjamin Tilley, 1900–1901  
 Captain Uriel Sebree, 1901–1902  
 Commander E. B. Underwood, 1903–1905  
 Commander C. B. T. Moore, 1905–1908, the first “Governor”  
 Captain John Parker, 1908–1910  
 Commander W. M. Crose, 1910–1913  
 Commander C. D. Stearns, 1913–1914  
 Commander John Poyer, 1915–1919  
 Commander Warren Terhune, 1919–1920  
 Captain Waldo Evans, 1920–1922  
 Captain Edwin Pollack, 1922–1923  
 Captain Edward Kellogg, 1923–1925  
 Captain Henry Bryan, 1925–1927  
 Captain Stephen Graham, 1927–1929  
 Captain Gatewood Lincoln, 1929–1931  
 Captain George Landenburger, 1932–1934  
 Captain Otto Dowling, 1934–1936



**CERTIFICATE OF SERVICE**

I hereby certify that on April 19, 2018, the foregoing was served by filing a copy using the Court's ECF filing system, which will send notice of the filing to all counsel of record.

/S/ Barry G. Stratford

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Barry G. Stratford